



Planning Inspectorate
Arolygiaeth Gynllunio

Hearing Transcript

Project:	Oxfordshire Strategic Rail Freight Interchange
Hearing:	Compulsory acquisition hearing 1
Date:	1 October 2026

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SPEAKERS

Speaker 4, Speaker 1, Speaker 2, Speaker 3, Speaker 8, Speaker 10, Speaker 7, Speaker 5, Speaker 9, Speaker 6

Speaker 1

Good morning, everybody. It's now 10 o'clock, and it's time for this hearing to begin. So I'd just like to start by welcoming you all to the first of two compulsory acquisition hearings in the examination of the Oxfordshire Strategic Rail Freight Interchange application, and just confirm that everybody can hear me thinks of the case, and can I also confirm with mr. Shard that the live stream has commenced? Thank you very much. My name is Adrian Hunter, and I'm a chartered town planner, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. Just before I go through some housekeeping matters, I'm just going to ask the the rest of the panel if they could just introduce themselves, please.

Speaker 2

My name is Alex Oyeade. I'm a chartered transport planner and a member of the panel to have been appointed by the Secretary of State to examine this application.

Speaker 3

Good morning, everyone. My name is Guy Rigby. I'm a chartered civil engineer and a member of the panel appointed to examine this application.

Speaker 1

Thank you, both. Together, we constitute the examining authority. We're also supported by other members of the planning inspectorate today, some of whom you may have already met. Castine can be found at the back of the room if you have any questions on on matters. And we also have another inspector who's attending the venue and is observing purely for training purposes. Now, just going to run through a few housekeeping matters. Again, apologies, you may well have heard all of these, but I just need to to go that for anybody else who's who's not been in attendance. Please, I just ask everybody to set all devices to silence. The toilets, which I'm guessing everybody is probably found by now, but they're at either end of the corridor. And then, in terms of a fire escape and a fire drill, we're not expecting a fire alarm today. But if one does go off, then the escape routes are at either end of the room, and our congregating point is in the car park around the front of the building. In terms of the arrangements for the hearing today, this meeting will follow the agenda that was published on the National Infrastructure Planning website on the 22nd of September. The examination library reference for which is EV2003, and it'd be helpful if you have a copy of this in front of you. Today's hearing is

being undertaken in a hybrid way, meaning some of you are present with us at the venue, and some of you, some of us are joining virtually using Microsoft Teams. However, you've chosen to participate today, we'll make sure you get the opportunity to take part. A recording of today's hearing will be made available on the project page of the National Infrastructure Planning website as soon as practicable after the close of this hearing. With this in mind, please ensure that when you do speak, you speak clearly into the microphone, stating your name and who you represent each time you speak. A link to the planning inspector's privacy notice was provided in the notification for this hearing. We assume that everybody today has familiarised themselves with this document, which establishes how the personal data of our customers is handled in accordance with the principles set out in data protection laws. Again, if you've got any questions on that, please speak to the case team. In terms of timings today, it's our intention to take a short break around 11:15 and a lunch break about 1 p.m. and then if needed, there'll be further breaks this afternoon. But I think we're hoping that we could well get businesses done before we get to lunch. For those watching the live stream, I can also advise that if you do have a break, you may need to refresh your browser just to ensure that you can re-see it again when we restart. Just before I move on to the purpose of the hearing, does anybody have any questions on what I've outlined? Not seeing anything in the room or anything online. Okay, thank you. So let me just briefly explain the purpose of this hearing today. The application for the proposed development includes a request for an order granting development consent to authorise compulsory acquisition of land, or compulsory acquisition of an interest in or a right over land, this compulsory acquisition hearing is to enable the examining authority to hear and probe the applicant's strategic case in respect of the application. We will also hear from affected persons who wish to make submissions on those on that strategic case. To any affected persons who have requested to be heard on matters relating to their land interests and have not been invited to speak, rest assured that you will be heard at the relevant compulsory hearing, which a timetable to be held later in the examination. In the meantime, you are very welcome to watch online, listen to the recording, and send any comments as post-submission hearings to us by deadline one, reaching the examination table is the 13th of October, 2026. Now, like to run through introductions, if I could please, and if I could start with the applicant.

Speaker 4

Good morning, sir. My name is Alexander Booth, King's Counsel. And I am instructed by Ms. Laura Beth Hutton, sat to my right, who is the partner at Eversheds promoting the application, and I appear on behalf of the appellant. So I'm not going to introduce everyone who may speak today. I'm just going to introduce one or two key people from whom you have not yet heard. That is to Ms. Hutton's right is Kate Radford, also of Eversheds, who is going to be assisting in particular with items five and nine, that is relevant to ECO provisions and statutory undertakers. Also at the very end of the table is Mr. Nick Rushton of Ardent, who will be potentially assisting with item seven, that is review of the land and rights negotiation tracker. Others will step in, but we'll see how that goes. Thank you, sir.

Speaker 1

Thank you. If I could now turn to the host authorities, please.

Speaker 5

Good morning, sir. I'm Rahul Chavaraj Lopez. Happy to be addressed as Mr. for Oxford County Council senior NSET planner. I'm also joined by Mr. Samuel Pocock, senior business estates partner at Oxfordshire County Council. Thank you.

Speaker 1

And Mr. Pocock's online, I'm guessing. Yeah, so I can see your name there. Yeah, that's fine. That's great. Thank you. Thank you. And then we have National Highways.

Speaker 6

Good morning, sir. It's Mrs. Vicky Fowler. I'm a partner at Gowling WLG, and I'm joined by Mr. Jeremy Bloom, who's third-party DCO lead for National Highways.

Speaker 7

Thank

Speaker 8

you.

Speaker 1

And then finally on my list, I have Mrs. Angela Josky from Dorchester Living, who I think is joining us virtually. Hi, hi,

Speaker 9

Mrs. Angela Eustreich, Director at Roger Hanna, on behalf of Upper Hayford GP Limited and Upper Heyford Nominee Limited, which are part of Dorchester Hayford Park LLP.

Speaker 1

Thank you very much. That's all I have registered on my list. But just before we carry on, are there any other affected persons, either in the room or online, who wish to speak in relation to the African Strategic Case today? No, I'm not seeing anybody. Okay, that's helpful. Thank you. Well, I think that brings the end of the introductions that I got. So I'm going to move on to item number three. I'm going to pass to Mr. Rigby.

Speaker 3

Thank you, Mr. Hunter. Now moving on to item three on the agenda? But before I ask the applicant to present its case, I'll run through the legal guidance and the tests to be satisfied, so that it's understandable later when we're talking about which tests have to be satisfied. This hearing is being held as part of the examination of an application by Oxfordshire Rail Freight Ltd for an order granting development consent for the construction of a strategic rail freight interchange, highways, and associated development. The scheme would consist of new connections to the Chiltern Mainline Railway, improvements to Junction 10 of the M40, and improvements to the A43, B4100 junction, and is therefore nationally delivered as an infrastructure project under both Section 26 rail phase interchanges and section 22 highways of the Planning Act 2008. So this first hearing is being held under the examination procedure rules made under Section 97 of the Planning Act 2008 to enable the examining authority to examine the applicant's strategic case, both for compulsory acquisition and temporary possession, and to hear affected persons on the applicant's strategic case. Noting that although the statutory tests in section 122 and section 123 don't apply to TP, the panel must nevertheless be satisfied that the use of the power is justified in order to implement the proposed development. Human rights act considerations are met, and there are compensation provisions which are adequate to compensate those affected for the proposed interference, the book of reference and the statement of reasons should also make it clear which plots are affected by temporary possession powers, because some plots may be affected by both temporary possession and compulsory acquisition powers. A second hearing, CAH2, will be held later in this examination to hear individual affected persons whose interests are impacted by these compulsory acquisition and temporary possession proposals. So, at today's hearing, as detailed in the agenda papers, the examining authority will examine the applicant's strategic case and whether the relevant. Legal tests, policy, and guidance have been addressed, and we will also seek assistance from the applicant in respect of the public sexual equality duty. In particular, we will inquire into consider and establish clarity in respect of the

following four aspects of the application. First, the applicant's strategic case for both compulsory acquisition and temporary possession of land and/or rights. Second, the compulsory acquisition and related provisions as prevented within the draft development consent order. Third, whether the conditions relating to the land being required for the proposed development, or required to facilitate, or be incidental to the proposed development, are met, and finally, whether there is a compelling case in the public interest for the compulsory acquisition provisions which are being sought. So, under section 123, subsection 1 of the Act, one of the three conditions must be satisfied in respect of each parcel of land to be acquired. These conditions are set out in the following subsections: 1, 2, 3, 2; 1, 2, 3, 3, and 12, 3, 4. Under Section 123, Subsection 2 of the Act, applicants seeking to acquire land and rights over land compulsorily for nationally significant infrastructure projects under the Planning Act 2008 need to have made provision for this in their draft development consent order, under Section 123, subsection 3 of the Planning Act 2008, where all persons with an interest in the land consent to the inclusion of the provision, that land need not be included. And finally, under Section 123, Subsection 4 of the Planning Act 2008, where additional land or additional rights over land are sought after an application is submitted to us, and where a person with an interest in the land does not consent to the provision, the requirement is that the prescribed procedure must be followed, and this prescribed procedure is specified in the compulsory acquisition regulations. This additional process mirrors the process already undertaken in respect of the provisions included in the original application, and is essentially an examination within an examination. There are then, in addition, two tests which have to be satisfied under Section 122 of the Planning Act 2008 for any application.

Speaker 3

Firstly, a development consent order may only include provision authorising compulsory acquisition if the land is required for the development to which the development consent relates, or is required to facilitate, or is incidental to that development, or is replacement land which is to be given in exchange for the order land under sections 131 or 132 of the Planning Act 2008. And secondly, there must be a compelling case in the public interest for the land to be acquired compulsorily, so it's therefore for the applicant to defend and justify its proposals, and to show how the above tests are satisfied for each parcel of land which it intends to acquire compulsorily for each application. In particular, the applicant should be able to show that the land to be acquired is no more than is reasonably required, and that the public benefit outweighs the private loss. Factors which we take into account in our recommendation to the Secretary of State as to whether or not to authorise the provision in the Development Consent Order authorising the compulsory acquisition of land include the following: all reasonable alternatives to compulsory acquisition, including modifications to the project, have been explored. The proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and B necessary, and C proportionate, and also the applicant must have a clear idea of how the land which is to be acquired is to be used. Also, there must be a reasonable prospect of the requisite funds for compulsory acquisition becoming available. The purposes must be sufficient to justify interfering with the human rights of those with an interest in the land affected, with particular reference to Article One of the First Protocol of the European Convention on Human Rights. The application must be accompanied by a funding statement which explains how the compulsory acquisition is to be funded. It will also be helpful to include as much information as is available at this stage about how the project as a whole is to be funded and the business case. The applicant should also be able to show that adequate funding will be available for compulsory acquisition within the statutory time period. We note that Article 27 of the draft development consent order cites a statutory time period of five years from the date that it comes into force for the exercise of powers. The applicant must also submit with the application a statement of reasons relating to the compulsory acquisition provisions, and which justifies the compulsory acquisition sought, explains why there is a compelling case in the public interest, and gives reasons for the creation of new rights. So the documents we'll be using and referring to today are the latest versions. Reference may be made in these hearings to the following legislation, guidance, and advice. There's the Planning Act 2008 as amended, DCLG guidance related to the procedures for the

compulsory acquisition of land, which has now been updated into MHCLG guidance. The Planning Act 2008, which is guidance on the examination stage of an application, and that replaces the DCLG guidance for the examination of applications for development consent, March 2015. That's all I wanted to say by the way of introductory remarks. So I'll now move on to hearing the applicant on the strategic case, and reference will be made to the land plan, which consists of a key plan and 10 sheets, which is documents AS 003, the draft development consent order, which is APP 139, the explanatory memorandum, which is APP 140, the statement of reasons, which is APP143, the funding statement, which is APP144, the book of reference, which is APP145, and the latest version of the Random Rights Negotiation Tracker, which is PDA003. and we'll also referring to the applicant's procedural deadline A submission PDA 001. Right. I think we've been through the folks who wish to speak, and I'll hear them when we first heard from the applicant, both in respect of the original application and then in respect of the proposed changes. So, to the applicant, before we consider the proposed changes, please make your strategic case for the original application as submitted. Thank you.

Speaker 4

Thank you, Sir Alexander Booth, on behalf of the applicant. Sir, I'm going to address you as you say in relation to the strategic case. I have to say I do note that at item three we have a strategic case, and item six, we have statutory conditions and general principles. There does seem to me to be quite a significant degree of overlap between those two considerations. Hence, you've actually yourself been addressing legal provisions in your introductory remarks. What I'm proposing to do is present the strategic case, but necessarily again, myself referenced some of those legal provisions initially as part of the contextual position.

Speaker 3

That's fine, because we can sweep up in item six anything that's being covered.

Speaker 4

Outstanding.

Speaker 3

Yeah, thank you.

Speaker 4

So, as the XA isn't well aware, and indeed has already referred to the key statutory provisions here are sections 122 and 123 of the 2008 Act. I'm not proposing to trot through each of those. In particular, section 123 has been suitably introduced. I do need to say a brief word or two about section 122. Obviously, again, as the exa is aware, subsection one of that provision identifies there are a number of criteria that must be satisfied in order for compulsory acquisition powers to be authorised. Subsection two essentially provides three separate criteria, one of which must be satisfied in respect of each plot, in respect of which compulsory purchase powers are sought, either it's required for nationally significant infrastructure, i.e. the development to which the DCO relates, or it's required to facilitate, or is incidental to that as per associated development, or it is replacement land. One of those three conditions has to be. And then again, there is the overarching condition which replicates the common law position, namely, an applicant must demonstrate a compelling case in the public interest to justify acquisition. Now, so in the present case, all the land over which the applicant is seeking compulsory purchase powers is either required for the development as part of one or other of the NCIPs, or is required to facilitate or is incidental to one of those NCIPs. There are no powers sought in respect of replacement land under sections 131 or 132, so we can set that to one side. We say also that there is a compelling case to justify compulsory acquisition of all the land or rights in respect of which powers are sought, and in this regard, the land and rights are set out in the book of reference, which is document 4.3, and

as shown on the land plans, and that's Series 2.1. The compelling case is set out in the statement of reasons, and that is document 4.1 chiefly. That compelling case is grounded in the national policy statement. That document expressly and unequivocally identifies a compelling need for the development in respect of which the DCO is sought. Need for this development, that is to say, quite apart from need as recognised in the NPS, is demonstrated at paragraphs 3.8 and following of the statement of reasons. Need is also addressed in the planning statement, and that's document 5.6. And yes, sorry, paragraph 5.6 and following of the planning statement, I should say those two documents, statement of reasons and the planning statement, speak to the significant benefits that will be realised by this scheme. In particular, the economic benefits in terms of employment, both direct and in terms of construction and ongoing operational activities, and also indirect employment, and the economic benefits associated with that. They also speak to the environmental benefits in terms of the carbon savings and other air quality savings due to the transfer of freight off the road and onto the railways. Now, of course, I am taking that at a very high level and very shortly. But it is those pillars which essentially provide the basis for the compelling case as identified in the national policy statement, to which regard must be had and pursuant to which decision must be taken in accordance with the provisions of Section 104 of the 2008 Act. Also relevant, we say in this context, quite apart from those needs that I have identified in the NPS, are what I would term market needs. That is to say, market need for both for rail freight capacity and also for logistics capacity, in particular, as the XA has already heard, XXL units-that is, units of 500,000 square foot or higher-and in that regard, I point the XA to the market analysis document at 7.1, document 7.1, and the GB rail freight supporting statement at document 7.2b. I also need to touch, as you yourself did, sir, on relevant guidance. Initially, originally DCLG guidance published back in 2013, that contains various policy requirements, and I pick out some of those insofar as they sit aside from the express provisions in the 2008 Act. In particular, paragraph 8 requires that an applicant for CA powers demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.

Speaker 4

Here, sir, we say the position is that the purpose is legitimate in order to deliver the scheme, pursuant to which the scheme in respect of which we call on the support of national policy in the NNNPS, and here we say that the compulsory acquisition powers sought are necessary and proportionate to deliver that objective. That takes us to the guidance in paragraph nine, which requires that an applicant must have a clear idea of how they intend to use the land. And here, the purposes to which the land and interests will be put are set out in the order. The applicant has a clear and settled intention, and the purpose for which each plot is required is set out in Appendix One to the Statement of Reasons. Of course, I don't propose to speak to each of those now. We're at a high level at a strategic case, but the team sat alongside me can assist in the event that there is any query or concern relating to the need for a particular plot. Next, paragraph nine also requires that an applicant demonstrate that there is a reasonable prospect of requisite funds for acquisition becoming available, I mean the first point I note there is quite how low that threshold is. Reasonable prospect; it's not an absolute requirement. But in any event, sir, firstly we say that the position here is absolutely copper-bottomed and robust. The position in respect of funding is set out in the funding statement at 4.2. That at document 4.2 that sets out the resources available to the applicant, which of course is an SPV through its parent structure and ultimately the owner of USAA. There can be and indeed is on the face of the relevant representations no question as to the ability to fund delivery of this development. We're going to come to funding again under a later agenda item, so I'm not proposing to speak to that in detail now. That takes me on to paragraph 25 of the relevant guidance, which is concerned with another relevant consideration, namely the requirement that applicants should seek to acquire land by negotiation wherever practicable. Here, our position is as set out in the Land and Negotiation Tracker at Appendix Two to the Statement of Reasons, document 4.4, a recent iteration of that most recent iteration was provided as an update with our letter at procedural deadline A. As I've already told the XA and the examination, almost 70% of the land and interests have already been brought under the applicant's

control. That is to say, either there is direct control over those interests by way of options, or heads of terms have been agreed with relevant parties. And in this context, I make the point that sustained and genuine efforts have been made, and indeed are still being made to acquire the remainder of those interests, and so this links directly to strategy, because the applicant's strategy has been to seek to engage with and negotiate with landowners in this regard, I think it's fair to say the applicant is the same is typical of other promoters of SRFIs. Strategic rail freight interchanges are developments brought forward by the private sector. They are promoted by commercial entities and not public bodies. As such, this promoter, in the same way as others, has sought essentially to do deals with interested parties to minimise the need for compulsory acquisition and to reduce the powers sought. I mean that is a matter that is expressly spoken to in the statement of reasons at paragraphs 8.1 and 8.2 of the statement of reasons, and I do say, sir, that that is not just the rhetoric on the part of an applicant. Here, sir, I do say that this application and this applicant and the efforts to negotiate do represent the gold standard in terms of what can reasonably be expected of a party in the applicant's position, and I say that because it is borne out by the extremely limited scope of objection to compulsory acquisition powers in this case, and I point, in a sense, to the almost empty room that we are sat in today. Noting, as I do, that a representative of Dorchester is online, but I point briefly to the number of relevant representations that contain an objection to powers of compulsory acquisition.

Speaker 4

So there are eight, and I'm going to trot through those very briefly because that eight is in fact not the true figure. Firstly, as regards that. One of those countryside I've already addressed. There is no longer a need to compulsorily acquire their plot. That is going to be the third of the substantive changes that I spoke to on day one, and I know we're going to come to change in a moment. But so countryside, they are one of eight that one can essentially put to one side. Secondly, there is Merrick Jones. Merrick Jones is a limited liability partnership. I think a company, the shareholding of which is held by members of the power family. That is a representation which amounts to an objection to compulsory acquisition, but heads of terms have been agreed, and as I indicated on day one, a legal agreement is in circulation, and it is anticipated that that will be concluded relatively soon, and that is the subject of change item number one. So again, that is a further objection which falls away. Of the remaining bodies that object to compulsory acquisition, I note national highways, and we will hear from them shortly. But the applicant's position is that there are constructive, positive negotiations and discussions ongoing with national highways, we do not anticipate that there will ultimately be any objection. Common ground will be reached. National highways number one, network rail number two, in a very similar position. And you will note that network rail are not even present today. And indeed, of course, they spoke yesterday very positively and in support of the application, and third, Oxfordshire County Council, who are here today, and who again we say we are having constructive discussions with, and we ultimately anticipate reaching a positive outcome. So that is a further three parties. That is five of the eight who we identify as being bodies with whom agreement will be reached. As regards the remaining three, one of those is BIFA. You heard from BIFA yesterday, and it's right. Whilst it's right to say that compulsory purchase powers are sought in respect of their interest, it is the publicly stated intention of the applicant, not to rely upon compulsory purchase powers, but instead to rely upon the landlord and tenant position, because Biffa's interest will expire in 2030. So that is in truth not properly characterised as a compulsory acquisition objection. There is then another objection from a party called Smith and Sons, and there it's a very small area of land that is being sought for acquisition, the subject of acquisition, and that relates to the access to the quarry. And when one puts them to one side, one is just left with Dorchester. So I'm not going to speak to Dorchester now. I will respond to such matters as are raised by Mrs. Urich subsequently. But we say the fact that the number of objections in terms of compulsory acquisition is so very low in this particular case is illustrative of the very proactive stance that's been taken by the applicant in seeking land assembly and seeking to minimise the need for compulsory acquisition. So, that's all I was proposing to say by way of the strategic case, which we say is robust.

I'm happy to answer questions or to pass the questions along to those who've had direct involvement with negotiations to the extent you wish. Thank you, sir.

Speaker 3

Thank you very much. That's that's very clear and establishes the way you're working through the outstanding objections. Before I hear from anyone else at the moment, I'd like you to give an update on the proposed changes to the application, and I have a few remarks by way of introduction about the information in respect of the proposed changes, which were in section three of the applicant's cover letter, submitted at procedural deadline A, which was 15th of September 2026. This document, which is PDA 001, makes reference to the intention of the applicant to make changes to the original application about which we've just heard, submitted to us on the 31st of March 2026 and accepted on the 28th of April 2026. There are three changes proposed. These are change number one, which is farmland bird ecological mitigation at the northwest of the proposed developments near the railway line. It relates to work numbers 29 and 37, and involves a reduction of plot two. Removal of plots 24A, 25, and 210, and additional land adjacent to plot 24. It involves, as we understand it, compulsory acquisition of third-party interests, but not the freehold. And then change number two is mitigation associated with the conversion of the A4095 B4030 roundabout junction on the western edge of Bista to signal control? That relates to work number 39, removal of plots 912 and 921, and delivery of work number 39, rather than a section 106 financial contribution reduction in compulsory acquisition, and significantly for us, I think no new land interests or no new land or interests to be acquired. And then finally, the third change relates to the foul sewer outfall to Bicester, work number 35, removal of plot 934, following confirmation from Thames Water that the chamber into which the foul sewer will connect is within adopted highway, not on third-party land. So again, reduction in compulsive acquisition and no new land or interests to be acquired. You also say at the start of section three, the applicant intends to make a request to submit some changes to the application. The main changes are summarised in a table, which focus, which I've just summarised, which focus on the key changes affecting the order limits and the main documents that will need to be amended, given the extent of the documentation amendments required, the applicant has a firm preference to make all of these changes in one submission, rather than progressing with change numbers two and three now, and waiting for the conclusion of the land arrangements with the owners, which is required before change number one can be made, because that's the change where additional land and rights are sought. We also say in section one that it's hopeful that the formal change application can be submitted at deadline two, and I think we heard yesterday that you're pretty sure that you'll manage that because the next deadline is some way down the road. The XA will need some time to give careful consideration to the information to be supplied in respect of the proposed changes, including the materiality of the proposed changes and any necessary changes to the timetable which might arise as a result, the XA will then determine whether and, if so, how, following submission of a change application, these changes might be properly and fairly considered and commented on within the time remaining within the examination. Because we referred earlier to the exam within the exam, if the proposed changes are submitted later than deadline two, and are then accepted. There may be insufficient time for proper examination, bearing in mind I've said that the prescribed procedure, the CA regs, mirrors the process already undertaken in respect of the provisions included in the original application. Meantime, just everyone's clear. We continue to examine the application as it currently stands until such time as any changes are submitted and approved, agreed. We've just heard the application applicant on the original application. So now, could you please speak to explain and justify the proposed changes, which were submitted for everyone's perusal in the couple of procedural deadline A? Thank you.

Speaker 4

Thank you, Sir Alexander Booth, on behalf of the applicant. Yes, the key document, as you say, is our letter of 15 September, the procedural deadline A submission. What I'm proposing to do is take them in reverse order, dealing with the last one first. But I think those are the most simple and straightforward,

and can be quickly put to bed. So I explained, in broad terms, the nature of these changes on day one, in the context of the preliminary meeting, and I'm going to work through that again. Firstly, change three, as proposed, we say is an entirely inconsequential change, effectively a positive change, insofar as, as you rightly identify, all we are seeking to do is to take a plot out of the order. That is to say, reduce our request for compulsory acquisition powers. We had formally understood from Thames Water that there was a need to acquire a particular plot in order to gain access to an outfall. We now understand from Thames Water that the relevant access is within the public highway. Thus, we don't need to acquire that plot. That plot is owned by Countryside Properties.

Speaker 7

We

Speaker 4

have liaised with and notified them that we no longer or will be no longer seeking to acquire their interest. And what we seek is a change to the application to remove their interest essentially from the book of reference. So we say that that should not be problematic. Secondly, there are changes proposed as regards works 39 at the A4095B 43rd. roundabout, as I said at the preliminary meeting, what we are proposing to do is again take land out of our request for compulsory acquisition, because in circumstances where it is not necessary for us to undertake particular highway works, then there is no need for us to acquire the relevant land in order to enable us to undertake those works. We have, throughout the process of promotion of this application, been closely in liaison with Oxford County Council. The county council had previously given us to understand that there was a need for us to undertake these works. However, and entirely responsibly, the county council has kept the position under review, and because other development has not proceeded as anticipated, the county council has notified us that there is not a need, in fact, for us to undertake those works, and the works that we need to undertake in that location can be undertaken within the public highway. Hence, we are seeking to reduce the compulsory acquisition ask and take those plots out. I should say that both of those scenarios are as identified in the plan at Appendix Two of our letter of 15 September, so that takes me to the third of the changes that we propose. But of course, that's number one in terms of the letter. And again, sir, what I'd propose to do is draw your attention to the plan at Appendix Two, and that identifies three areas shaded, two delineated green, one delineated red. The two areas delineated green are within the order land, and we are seeking to remove them from the order. We are not seeking, or we would wish to take out our compulsory acquisition powers in relation to those plots. At the same time, what we are seeking is powers over the red land. That land essentially would come into the order. The history of this and quite how matters have come about, I can summarise shortly. Insofar as we have been negotiating with the relevant landowner, the Power Family, for some time, their agent had previously indicated to us that the preferred position of the Power Family was, as we have set it out in the order, that is to say, to include both areas of the Greenland. The Power family then severed contact with that agent and moved to another agent, and that agent informed us that we had been the position had been misrepresented to us, and that land effectively was not what the Power family wished us to take. And of course, what we sought to do in those circumstances was to work constructively with the family and with the agent to find an effectively a revised position, and what we have agreed with the power family, and I say agreed using that term lightly, it's agreed in terms of heads of terms, detail heads of terms, which are agreed, and as per the legal agreement which is now in circulation and which we fully anticipate being signed, what we anticipate is that instead of the land that we were proposing for compulsory acquisition, the applicant will instead take control of other land. In particular, for our purposes, the additional land currently outside of the order, shaded in red. Now, this land is required for ecological mitigation purposes. It's there in order, effectively, to provide breeding grounds for particular birds. And if you wish to hear detail about this, we can provide that to you because we have the relevant ecologist in the room. But I'm not suggesting that you need to get into that today. But what I do

say is this: we identified the land. That was that is contained in the order as being the most suitable for the mitigation purpose we sought it for, and we maintain that that's the position.

Speaker 4

However, in circumstances where the power family indicated that they did not wish to reach terms with us in relation to that land, but would speak to us about other land, we obviously sought to be flexible, sought to work with them, and we have identified other land which, whilst not as optimal as the land originally included, is still appropriate and sufficient for the mitigation purpose. And what we've done is to confirm that position with Natural England. So there's no suggestion that the land that we are now seeking control over, seeking powers over, wouldn't be fit for purpose. And the reason why we can't make the change yet is because we are not seeking. We're not seeking powers of compulsory acquisition of freehold over this land, what we are going to do, and what our agreement with the Power Family provides for, is the conclusion of a lease. So we will have a lease over that land. But what we do need to do is to sweep the land clean of third-party interests. So we need powers of a compulsory acquisition over that land in order to clean title, to ensure that we can utilise the land as we need to, and we'll have a lease over it. And we say that that is a it is a strong illustration of how proactive the applicant has been, because what we've done is worked with a landowner, worked with their agents, albeit in suboptimal circumstances, because we've been told a different story and a new agent has come in. But what we've done is work with them, and we've now reached a situation where we are on the point of concluding an agreement which is acceptable to all parties. So, so those are the three changes we're proposing to make. As I indicated at the preliminary meeting, we do think it's best that only one change application be made because that avoids multiple new iterations of documents, and it is less confusing both for the XA and indeed for the examination more generally. Because there need to be as few as possible, we say adjustments, amendments, new documents being produced over and above the substantial volume that's produced in the ordinary course of events. So we say it would be appropriate to have one change application. We say we'll make that at deadline two later this month, and we say that there would be sufficient time for matters thereafter to be considered in the context of the examination. So I don't know if there's anything further I can assist you with on the change application.

Speaker 3

Thank you very much. It's useful confirmation for us that deadline two is definitely when things will come into land.

Speaker 4

Yeah, sir. I mean, I am. When you say definitely, I that is my that is my instruction. That is our understanding, and we will strain every sinew to ensure that it is going to be deadline two. That is the clear intention. If, for any reason, we understood that there was to be some delay to that, we would firstly notify the XA immediately, and if necessary, I suppose we would potentially seek to explore with the XA whether or not deadline a deadline 2A might be introduced, but so that is very definitely not our intention, nor is it our expectation. So, so I do say that deadline 2 is where this will land, but I can't give you that in the form of a promise or a blood oath because it's it's not over till it's over.

Speaker 3

So that's because you're not 100% sure of agreements with the landowner.

Speaker 4

No, well, sir.

Speaker 3

Because presumably sweeping up the the other rights to make sure that you're unencumbered would happen anyway.

Speaker 4

Yes, sir. That would happen anyway. No, sir. I mean, I'm expressing a degree of caution. Firstly, because I'm a lawyer, and that just obviously goes with the directory, as you know. But secondly, because whilst there is a we have detailed heads of terms agreed, we have a legal agreement in circulation, which very closely, well, which directly reflects those detailed heads of terms. The conclusion of the legal agreement is not a matter entirely within our control. That is why I have to posit that small note of caution. But we were in touch with the agent of Merrick Jones only this morning, and had the position confirmed to us again as recently as this morning that there is full intent on the part of the landowner to conclude that agreement, and there's no bar to it happening. So I am very confident indeed that we'll have matters put to bed by deadline two. But what I can't, I can't guarantee. But I mean, we're very confident, and we do not expect there to be any difficulty. If there were any expectation, I would flag it with you now because I wouldn't be storing up trouble for myself later on the examination.

Speaker 3

Thank you very much. Thanks, Tom. Before I hear affected persons on this item, I've got three questions for the applicant, just quickly. Firstly, we understand that an addendum to the environmental statement is to be submitted, and I wonder if you could confirm when this would be.

Speaker 4

So I'm told, and that, as per my previous understanding, the expectation is that that will come in as part of a change application at deadline two.

Speaker 3

Thank you. And secondly, slightly different subject matter, I suppose. Are you satisfied that there are no additional persons with land or interests outside the order limits who might be in a position to make a claim, and who should therefore be somewhere in the book of reference.

Speaker 4

Can I just clarify? Is that in relation to the change application, or is that in relation to just

Speaker 3

more generally? Because there have been instances where people who land outside are still in a position.

Speaker 4

Yeah, so I mean, it's as as I already thought. There are category three interests in the book of reference. Those are the only ones that we anticipate having potential to make a claim, and therefore we think we've swept everybody up.

Speaker 3

Thank you. Did you want to speak?

Speaker 6

I will. Thank you, Sir Laura Beth Whitton, for the applicants. Just to add, only that they're explained in section 10 of the statement of reasons.

Speaker 3

Thank you. And my third question was whether you could explain how the selection and the design of the project minimises CA in respect of, for instance, ecological mitigation and landscaping.

Speaker 4

So, in terms of design, and I suppose this is design stroke alternatives consideration as regards minimising compulsory acquisition. I mean, the short point is one that I've already made, which is that the proof of the pudding in terms of our minimising the need for compulsory acquisition is demonstrated by the dearth of participants at this compulsory acquisition hearing, and the very small number of parties objecting to compulsory acquisition powers being included in the order. And I've addressed you in relation to those eight relevant representations that do address compulsory acquisition. Quite how few of them will ultimately stand up at the end of the examination. So what we say, sir, is that, in general terms, we have absolutely designed this development with a view to minimising the need for compulsory acquisition powers, and I give, I point to the illustrative example I mentioned a moment ago, which is the power family and the fact that we are. I mean, I mean, were it not for the change application, we would be continuing to seek powers of compulsory acquisition over relevant plots against the will of the landowner. What we've done instead, or what we are doing, is seeking to accommodate the wishes of the landowner. Now that we truly understand them and they're properly being represented to us, and what we're seeking to do is avoid compulsory acquisition of that party's interest, and instead we're concluding a lease with the landowner on a voluntary basis, and all we're seeking to do is sweep up third-party interest over the land. So we're not seeking powers of compulsory acquisition in relation to that interest. So I suppose what I would say in relation to your point about well, can you tell us how. I mean, that has been the characteristic has been characteristic in our approach to scheme design throughout. What I would look to do, I suppose, is insofar as there were any particular plot that any particular party suggested was inappropriate for inclusion, and that perhaps we hadn't minimised the need for compulsory acquisition. I could address you in relation to the position in relation to that particular plot, or rather, I probably wouldn't. I'd get someone that knew to explain why it was actually required and why there was no way around that, but. So I do say, sir, that as illustrated by the power example, we've sought to minimise, and I stand by that proposition in relation to each and every one of the blocks in the book of reference. And to the extent there is a suggestion that we've not sought to minimise powers in any particular case, then if the XA or indeed third parties could put that to us. We would we would look to respond.

Speaker 3

Thank you. I'll now, at the position where I'll hear affected persons on the applicant's strategic case, and of course covering both the existing application and proposed changes. So I have down Oxfordshire County Council if they would wish to speak.

Speaker 5

Rahul Chavaraja Lopez for Oxfordshire County Council. We currently at this time have no comments on the applicant strategic case. So yeah, thank you. We have no comments at this time.

Speaker 3

Thank you. And Charwell District Council, is there anybody here from Charwell District Council? I have Sean Fleet online or not? Nope. And next, I have National Highways. This is Vicky Fowler from National Highways.

Speaker 6

Thank you, sir. Vicky Fowler, on behalf of National Highways. So we we also don't have any comments per se on the applicant strategic case, but I am conscious that yesterday, I suppose we didn't we didn't

have an opportunity to explain where National Highways are in terms of the sort of principle of development, and I would like to hand over to mr. Jeremy Bloom in that regard.

Speaker 10

Thank you, sir. Jeremy Bloom, on behalf of national highways, as Mrs. Fowler says, we don't object at all to the use of national highways land for the benefit of the scheme itself. The applicant has worked very collaboratively with national highways over some years, and national highways is content and supportive of the the SRM works in accommodating the traffic arising from the proposed development, and in being able to operate safely. So we have no objection to the scheme, and we are content with the the strategic case for the use of national highways land for that said purpose. Oh, but the the concern that we do have is about compulsory acquisition in principle, which national highways objects to. But in terms of the access to the land, the use of the land for the purpose of the works, we're fully supportive.

Speaker 3

Thank you.

Speaker 6

So, Mrs. Vicky Fannon, I'm half an internationalised. We have some comments on the sort of individual plots, but it might be best if we come to those in the discussion of the context of statutory undertakers, because I think the applicant is going to take you through those plots and the discussions that we've had, if that suits you.

Speaker 3

That was fine. Thank you. I have down Ruth Power, who has indicated she wished to attend, and I think that's everybody. Is anyone any AP who wishes to speak on this item? Thank you.

Speaker 5

Yeah,

Speaker 3

that's what I'm saying. Does Dorchester Living want to make any representations at this point? There is an item later in the agenda to Hoover up anything.

Speaker 9

Hello, Sir Angela Eustreich, on behalf of Dorchester Living, I can make the representation now regarding the strategic point, or wait until the the further point if if you wish.

Speaker 3

Hearing you now, that's that's fine. I relate. I gather that you would be wanting to focus on the compelling case. Is that right?

Speaker 9

Yes. Yes. So this

Speaker 3

would probably be a good time to hear you. Thank you.

Speaker 9

Okay. Dorchester does not challenge the national policy support for strategic rail freight interchanges or the principle of rail freight infrastructure. It supports Oxfordshire SRFI in principle. Its concern is that strategic compulsory acquisition case should not be considered solely by reference to the requirements and benefits of Oxfordshire SRFI in isolation. Their interface with Hereford Park, the land affected by the order directly interfaces with Hayford Park. Hayford Park is itself an established and continuing strategic development. Development has already been delivered. An extant permission for a further 1,175 dwellings, together with employment, community, and transport infrastructure, is now being implemented, there are also wider emerging proposals for the future growth of Hayford Park, covering the wider site and now the subject of a further planning application. Dorchester recognises that these have a different planning status. They are, however, recognised in the Oxford Growth Commission's work and the New Town's draft programme. The applicant's assessment has, however, largely considered Hayford Park by reference to the existing and consented phases, rather than the wider development now proposed across the site. Dorchester's strategic point is therefore this, in demonstrating a compelling case in the public interest, necessity, and proportionality has the applicant properly considered the interaction between the Oxfordshire SRFI and Hereford Park as a whole, rather than only the existing and consented phases, and has the applicant demonstrated that its compulsory acquisition strategy allows the continued comprehensive development of Hayford Park, including the wider site now subject to a further planned application. We'd ask the applicant to explain where its statements of reasons addresses the wider strategic development of Hayford Park beyond the existing and consented phases, and how that has shaped its approach, securing the public benefits. The compelling case rests on Oxfordshire SRFI functioning as a genuine rail freight interchange. As drafted, requirement five would allow occupation of 2.5 million square foot, around 30% of the total maximum 6.5 million square foot of warehouse floor space before the rail freight terminal is fully operational. Dorchester's relevant representation also notes that requirement five does not expressly require the connection of the terminal to the Chiltern Main Line before that level of occupation. We recognise that the applicant and Network Rail have now published a statement of common ground since the submission of our relevant representation, which records that Network Rail is reasonably satisfied that the SRFI is capable of connection to the mainline, and that at least four compliant return paths per day have been identified. Our point is whether the DCO itself secures the delivery of the rail connection and genuine rail operation at the stage at which the applicant relies upon those rail benefits to justify the compulsory acquisition powers. We'd ask the applicant to explain how requirement five and the wider DCO prevent a material amount of warehousing becoming operational, while the development remains, in practical terms, predominantly road served. To summarise, we're not asking the examining authority to refuse the order. We're asking the applicant to demonstrate that the Oxfordshire SRFI in Hayford Park, in its existing consented and emerging strategic form can both be delivered. Reserve our position on the detail matters for the issue-specific hearings and see each two. Thank you, sir.

Speaker 3

Thank you very much. That's very helpful. Could I ask the applicant to respond, please? Thank you.

Speaker 4

Thank you, sir. I'm going to come back essentially on two bases, and I'm going to take the more recent of Dorchester's points first. That is to say, the query, the flag, the red flag that Dorchester purports to raise in relation to requirement five. Now, obviously, we're slightly behind in terms of the examinations because we didn't get to requirement five yesterday. I'm not going to go to points of detailed drafting. That will be for another day. But what I do say, sir, and I do ask you to note, is this: it's a point that we've flagged previously, I believe, but it's one that bears repeating in light of the concern or the objection that's just been raised by Dorchester. It's absolutely right that requirement five would allow for the occupation of a quantum of warehouse space in advance of the rail terminal being constructed. And brought into use. So that is in no way unusual and is entirely orthodox. It is the same position that has existed in relation to multiple strategic rail freight interchanges. Derf three was obviously a pre well. It

was not a 2008 Act scheme, but in that context, 150,000 plus square metres of square metres, of course, not feet. This is was capable of occupation prior to the rail terminal coming online. The position in terms of East Midlands Gateway was 260,000 square metres. Northampton Gateway, as amended, 232,000 square metres. In short, the position is that secretaries of state have repeatedly recognised the commercial realities of the situation, which are that it is appropriate to allow the operator, developer, promoter of an SRFI to bring forward some warehousing space, indeed a significant amount of warehousing space, in advance of rail terminals coming online. I have to say it's surprising and actually slightly disappointing to see Dorchester chime the same bell as we've heard from others, i.e. this is a Trojan horse. There's no genuine intent to deliver rail. That is not a serious and sensible contribution to the debate. And indeed, as Mr. Holmes identified at issue-specific hearing one, past experience of strategic rail freight interchanges, in particular, for example, East Midlands Gateway, demonstrate that this is conclusively not the position. No one is seeking to deliver SRFIs by way of a Trojan horse for logistic space, and the reality is that when one builds a strategic rail freight interchange, such is the demand for rail freight capacity, as identified by GB Rail Freight, that that rail potentiality is swiftly taken up, such that, for example, at East Midlands Gateway, each and every one of the occupants utilises the rail facility at ENG. So I put that to one side, and we fully rely upon the rail element of this SRFI as part of our compelling case, and as bringing us within government policy as identified in the national networks NPS. Speaking to the more general point raised by Dorchester in terms of the compelling case, what's said is that they don't challenge national policy, and they they know they can't do that because they're not in a position to challenge national policy, and thus they don't contest the principle of this development. And of course, their right to do so. But what they are seeking, as I understand it at this point, is to challenge the degree to which this development has had regard to existing and consented development by Dorchester up and until this point, and Dorchester's aspirations for future growth. And in addressing that point, again, I think two, three short submissions. First point is that the aspirational element is one that must be noted. It's right to say that Dorchester have planning applications, extant planning applications, which seek consent for development over and above. I think it's the 2800 or so dwellings which are already built out, or for which have permission. But those planning applications, or that planning application-I forget how many it is-that's before Charwell District Council. I mean, there is no grant for that planning permission, nor is there any allocation which underpins that planning application. So it is an aspiration. That said, our position is that we do not, in any sense, risk prejudicing delivery of Dorchester's ambitions at Heyford. Indeed, we say the highway works which we will be undertaking pursuant to our development will benefit their aspirations, and that brings me to the third point, which is this: it is imperative, and I don't propose we get into the detail.

Speaker 4

At present, because this is the initial hearing concerned with strategic matters, it is imperative that the XA grapple with the reality, which is that the extent of compulsory acquisition powers sought in respect of Dorchester's holdings is extremely small. This is not a scenario where we are seeking to acquire significant landholdings from Dorchester, and it's not a scenario where we risk prejudicing their ability to deliver development. The landholdings that we are seeking, or the plots that we're seeking, are extremely small. They're small in number and small in extent, and in fact, were there not other concerns that Dorchester have, it's apparent to us that it would be a relatively simple matter to conclude a land agreement as between the parties. So, in terms of a compulsory acquisition, we're not seeking much. What we are seeking will not frustrate their existing proposals, or indeed the future aspirations that they have. On the contrary, what we're proposing will significantly benefit them in terms of the highways capacity it opens up. So, I'm not really sure there's anything more that I'd wish to say at this point. If there's further, if there's more that could or need be said at this stage, I think we'll probably come to the greater detail of it in the land tracker session. Because what I'm not looking to get into at this point is the extent of engagement which we have sought, because it's considerable with Dorchester. Rather, I recognise that the point that we're discussing currently is simply their strategic position, as regards our strategic position. So, unless there's anything further, that's my response.

Speaker 3

Thank you very much. Right, I think, in view of the time, we'll take a break at this point, and I'll just have a look through how much of future items we've already actually covered, one way or another. And I suggest we reassemble at 11:30. Thank you.