Planning Inspectorate
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Hearing Transcript

Project:	Oxfordshire Strategic Rail Freight Interchange
Hearing:	Transcript of compulsory acquisition hearing 2 (CAH 2) - Part 1
Date:	10 November 2026

Please note: This document is intended to assist Interested Parties.

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Transcript_OxfordRail_CAH2_SESSION1_101126

Tue, Nov 10, 2026 10:00AM • 52:33

Speaker 1
Good morning, everybody. It's now 10 o'clock, and it's time for this hearing to begin. So, just let us start by welcoming you all to the second compulsory acquisition hearing for the Oxfordshire Strategic Rail Freight Interchange application. I'm thinking everybody can probably hear me quite clearly, but just to confirm that you all can, excellent. And can I confirm with mr. Sheard that the live streaming of this event has commenced? Thumbs up, excellent. Thank you very much. My name is Adrian Hunter, and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. Just before going through some further introductory matters, I'm just going to ask the rest of the panel if they could introduce themselves, please.

Speaker 2
Good morning. My name is Alex Oyebade. I'm a charter transport planner. I have been appointed by the Secretary of State to be a member of the panel to examine this application.

Speaker 3
Good morning, everyone. My name is Guy Rigby. I'm a chartered civil engineer, and I've also been appointed by the Secretary of State to be a member of the panel to examine this application.

Speaker 1
Thank you, both. Together, we constitute the examining authority for this application. We're also supported by members of the Planning Inspectorate, some of whom I suspect you've probably met. Our case manager is Matthew Sheard, and he's supported by mrs. Donna Lees and mr. Will McSparran, who can all be found at the back of the room. So, if you've got any particular questions, I'm sure they're happy to help on on the procedural side of things. Just some housekeeping matters, if I could. Just ensure all devices are set to silent. I think most people are familiar to me, so the toilets are where they were last time, front and either end of the corridor. Fire alarm. We are expecting an alarm about 11 o'clock today. I've been told. I think the hotel have been asked as whether they could possibly put it off, but we will see. I think our intention is we will see where we get to. If we've still got stuff on the agenda, we may take a short break to mean we're not in the room, but we'll see where we are. And so, if it does go off at 11, I suspect we just we stay where we are. If it goes off any other time than at 11, the fire escapes are at either end of the room, and we congregate in the car park. In terms of the arrangements for this hearing, the hearing will follow the agenda that was published on the National Infrastructure website on the third of November. The examination library reference for which is EV 2004, and it will probably be helpful if you have a copy of it in front of you. This agenda, however, is just for guidance, and we may add other relevant matters as we progress. We aim to conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. The main purpose of today is to allow affected persons to make representations in respect of their individual interests. As with other hearings, we're taking place in a hybrid way, meaning that some of you are present in the room, with others joining us online using Microsoft Teams. However, you've chosen to participate today will ensure that you are given a fair opportunity to participate, and we look forward to receiving and hearing your comments. A recording of today's hearing will be made available on the project page of the National Infrastructure website as soon as practicable after this hearing has closed. A transcript will also be made available. So, with this in mind, please go ensure that when you do speak, can you speak

clearly into the microphone, stating your name and who you represent each time you speak? There is a roving mic, but I'm looking at the back of the room. I suspect there aren't many people who will need it, but if there are, there's a roving mic available, or there is space at the table. Should anybody wish to just to come up? For those joining us virtually, should you wish to speak, please could use the Microsoft Teams hands up function, and then just wait to be invited, and we will come to you at the appropriate point. If you are attending virtually, no need to keep your camera on if you don't want your image recorded. So, by all means, sort of keep your your camera off. However, please note that features like chat aren't monitored, so that's not not in use. A link to the planning inspector's privacy notice was provided along with a notification for this hearing, and we're assuming that everybody has familiarised themselves with the document, which establishes how the personal data of our customers is handled in accordance with data protection laws. Again, any questions or issues on that, please speak to the case team. In terms of timings, I think we're aiming to finish well, certainly no later than 1o'clock. We'll look to see whether we need a break, depending on how the agenda goes, and and we'll take a proper break if if we need to. Is there any questions on on that sort of process that I've just outlined? No, okay, thank you. Nothing online. Just before I go through introductions, just sort of a final sort of brief sort of explanation of the purpose of.

Speaker 1
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 rights over land. So, the purpose of this compulsory acquisition hearing is for us, as the examining authority, to hear individual objections from affected persons who are interested parties with a legal interest in the land or rights over which the applicant is seeking powers of compulsory acquisition and/or temporary possession, this hearing will help us to consider whether relevant legal and policy tests applicable to compulsory acquisition and temporary possession have been met. So, if I can now just turn to introductions, please, and if I could start with the applicant.

Speaker 4
Good morning, sir. My name is Alexander Booth, King's Counsel, and I appear on behalf of the applicant, Oxfordshire Rail Freight Limited. Sir, I am instructed by Ms. Laura Beth Hutton of Evershed solicitors, who is sat immediately to my right. I am happy to be addressed as mr. Booth. So, in terms of those appearing with me today, as I say, Miss Hutton is sat to my right, and beyond her is Miss Radford, also of Eversheds, and I think we will primarily be the parties speaking. I don't propose to introduce all the other members on the table, and they will be introduced as and when and if they need to to assist.

Speaker 1
Thank you, sir. That's fine. That that's helpful. Thank you very much. If I could then move to national highways, please.

Speaker 5
Good morning, sir. So my name is Vicky Fowler. It's mrs. Vicky Fowler, solicitor and partner from Gowling WLG, and I'm joined by Jeremy Bloom, third-party DCO lead at National Highways.

Speaker 1
Good morning. Thank you very much. And then, if I could then move on to Dorchester Living, Angela Yustrick, I think is joining us online virtually. I think.

Speaker 4
Yes. Hi, mrs. Angela Eustrick, representing Dorchester Living.

Speaker 1
Good morning. Thank you very much. And then, finally, on my list, I have mr. Nostrand. Good morning, sir. My name is mr. Philip Nordstrand, and I'm the founder of Stop the Trojan Horse, the community group. Good morning. Thank you. That's everybody I have on my list. Is there anybody else, either virtual or in the room, who is looking to speak today, who I've not mentioned. Excellent, that's great. Thank you very much. So that deals with items one and two, just want to sort of before we sort of move on to some of the the other matters, just want to sort of deal with item three, if I could, which is that the change application that we've received from the applicant. So we just we just thought this was an opportunity for us just to sort of ask a couple of questions pertinent to that, and I think they actually do relate in particular to the matters we're going to be discussing later. So, in terms of the changes you said, those helpfully out at the preliminary meeting for us, and also at the first compulsory requisition hearing, and we received your change application on on the 22nd of October, a deadline two, and that set out a series of changes. Change one being works to the the farmland birdland mitigation area. Change two being alterations around the A 409 five and the b4 103 or roundabouts. Change three to the foul sewer outfall, and then there were some other subsequential sort of minor changes as well within that. Really, what we wanted to is our questions relate principally to change number one, and what we're trying to sort of understand in sort of our own mind is, and I think from the document that you submitted in terms of the change application, change application, change report, which foolishly I haven't got the the reference number in front of me, which is probably the wrong thing for an inspector to admit. But I think you know which document I'm referring to. From what we can understand within that, the position of the applicant is that the change the the change doesn't engage the composer acquisition regulations, but we just wanted to confirm that that was the position.

Speaker 4
Sir Alexander Booth, on behalf of the applicant, thank you very much. Yes, you have the documentation. The change report document is document 11.2 for. Your reference, sir. Just by way of context, for the purposes of those participating in this session, as you will be aware, in terms of change one, what is proposed is the removal of certain plots from the order. Those being plots 210, two five and two four a. In addition to, we propose a reduction in terms of plot two four, and the introduction of two new plots two 4b and 10 eight. Now, sir, those new plots two 4b and 10 eight fall within the same land registration title as plot two four. That's effectively point 1.2 is this. So as regards this new land, i.e., plot two 4b and 10 eight. We are not seeking compulsory acquisition powers in respect of the freehold. Similarly, in terms of the reduced plot two four, we are not seeking compulsory purchase powers over the freehold. We've reached voluntary agreement with the landowner in that respect. What we are seeking, sir, is compulsory acquisition powers relating to third-party interests. Now, in very large part, those third-party interests are interests that have already been flagged both to the relevant parties and to the examination. That is to say, the relevant third-party interests are those which already maintained in respect of plot two four, which was already within the order. That is right in respect of all third-party interests save one, which is an annual rent charge from 1920, which was previously unknown but which has since been identified. That interest, sir, arises both in relation to the reduced plot two four and also those new plots two 4b and 10 eight. The other third party interests already were known and understood by the examination in relation to plot two four, but they all also bite in relation to plot two 4b and 10 eight. So the position isn't entirely straightforward, and it's a little frustrating because these are interests which we do not consider to be of any material particular significance, and all affected parties we say were essentially On notice by reason of their third-party interests having been identified in the context of plot two four. However, the 2010 regulations are a legal matter and don't, on the face of it, admit of any discretion on the part of the XA. We are proposing to include within the order now third-party interests which were not previously within the order. That is to say, the 1920 annual rent charge, and also the clutch of other third-party interests, which, albeit they were in the order for the purposes of plots 24, they were not previously within the order for the purposes of plots 24b and 108.

So, strictly speaking, those are new interests, and consent to their inclusion has not been obtained. So, so on that basis, and we say it is for practical purposes precautionary, but staying with the letter of the regulations, we recognise that the regulations are engaged, and it's on that basis that we need to effectively walk through the process that the 2010 regulations provide for in terms of Regulation Five and following. So, just for your note, the note of the the XA. In terms of these particular third party interests, if you want to check what they are, the relevant pages in the revised book of reference, as submitted at deadline two, they're in there. In three instances, for the purposes of plot 2.4, that's page 47 of the book of reference. For the purposes of plot 2.4 b, it's page 49 of the book of reference, and for the purposes of plot 10 eight, it's page 667 of the book of reference. So I don't propose that we turn them up, but they're there if you wish to understand them. And so it's on that basis that, subject to anything you or indeed others may have to say about it, what we are proposing is that we do address you on the basis of timetable for the purposes of the 2010 regs, with a view to establishing a way forward. Thank you, sir.

Speaker 1
Thank you. That that's enormously helpful, and and not surprisingly, you got to the nub of what the purpose was and the concern and the issue that that we had. How you suggest in terms of taking this forward, it would be enormously helpful to sort of have something submitted that sort of sets that out for us, because I don't think it's sort of overly clear in in terms of what we've got. And I appreciate it's it's sort of a complex and potentially muddled situation to try and sort of get down. But I think that would be enormously helpful for us to understand how we consider the change application, I think from your explanation there gets us over the first hurdle that we had, which is really really helpful. So to get a note from you, just that we can then use, we do have discretionary powers to accept anything that you submit in advance of the deadline. I think that would be really helpful to get something as soon as we can, so that we can we can accept that, and we can then start to consider the application that you've submitted

Speaker 4
to us. So that's incredibly helpful because, of course, we we would prefer not to wait for deadline three to put something before you. So I can undertake that. I mean, certainly before the end of these hearings, we can look to provide you with a short note setting out that position, so that we can look to set wheels rolling. What I was proposing to do now, sir, pursuant to item or second bullet of item three on the agenda, was just provisionally address you in terms of timetable. But so what we'll do in this note, which will address firstly the matters I've just rehearsed, and secondly, I propose set out this timetabling issue in written form. I could just walk you through that step by step now, if you wished, and then that would help. Because you could flag them with us.

Speaker 1
That then gives today the opportunity to ask questions, and B, we can then reflect on that sort of over lunch and do that. Yes,

Speaker 4
thank you very much. So, well, look, in in terms of how the timetable works, that is dictated to a very significant extent by the regulations themselves. So, picking up at Regulation Five, so we have sent to you the proposed provision in terms of our change request, and we sent that to you at deadline two. Where that leaves the act, say, sir, is at Regulation Six, and so you are required to decide whether or not to accept that provision as part of the application within 28 days. That would be by, sir, the 24th of November. On the assumption, sir, that you do accept it, and I appreciate that's provisional. I'm that's without prejudice to your discretion in that regard. We then move to Regulation Seven, and we need to provide notice to relevant parties, and we need to give no less than 28 days for submission of

representations. And how that works In practice, is that we would be? I mean, if we assume for present purposes that you were to accept the change documents on the 24th of November, we would issue notice on the 25th of November, giving a deadline of the eighth of January. In addition, sir, pursuant to Regulation 8, the applicant would discharge the statutory obligations regarding newspaper notification. And we're looking then at a likely first publication on 3rd of December, and the second local notice being published on the 10th of December. And again, that leads to an 8th of January deadline. We suggest pursuant to Reg Nine, so we then need to provide certificates of compliance to the XA, and that would be by the 22nd of January. And where that takes us is to Regulation 11. It's at that point that the XA needs to make an assessment of the issues arising. Of course, so without prejudice to your deliberations, I mean, we submit in anticipation that there will be no new issues arising as a result of this change. And you'll recall that these are changes that we are pursuing at the behest of the landowner, and we're not seeking acquisition of freehold rights. And so far as the third-party interests affected a concern. Those interests were already in play and affected, pursuant to the powers we were seeking in relation to plot two four. We don't anticipate on any basis that there would be any need for a further CAH, and we respectfully suggest that it will be possible to consider the change as part of the ongoing examination, but as I say, sir, that was just to walk you through how we saw matters working pursuant to the 2010 regulations. We will put that in writing, and I may have overpromised in terms of those sat next to me in terms of saying it'll be done by closer play, it'll certainly be done by closer play this week. Letting my enthusiasm get the better of me. But you will have the note in relation to how we say or why we say the regs are engaged because of what's happened, and how we see the regs being discharged. As I understand it, that's what you're seeking in terms of the note. Is that right?

Speaker 1
That's absolutely correct. That says that's exactly what we want, and that timetables. Even even though I appreciate that sort of an initial walkthrough, that that's very helpful for us because we can take that away and then factor in the current rule eight timetable is set out and just make sure that fits within within that. Have you got anything? Yeah, yeah, okay, okay, that's brilliant. And in terms of the end of the week, that's having been through that, yes, that that's helpful because now we know sort of what to expect. We can start to consider that on that basis. So yeah, that's helpful. I have two other sort of brief questions. One relates to the funding statement and whether there are any changes to the funding statement as a result of the change application. And if there isn't, that's fine. But just some confirmation to confirm that the funding statement has submitted remains the one that we should be considering. And if not, then an updated one would would be helpful.

Speaker 4
Alexander Booth for the applicant. Yes, I mean we see there being no change to the funding statement, and in terms of the documents for the purposes of Regulation Five, just to confirm, they will be the book of reference submitted at deadline two, the statement of reasons submitted at deadline two, and land plans sheets two and 10, but it will be that original funding statement.

Speaker 1
Again, that's what we assumed, but that's that's helpful to confirm. And then the final point is probably sort of moving slightly away from from that, but it's just I thought I'd take the opportunity to ask the question, given we're discussing it, and it does relate to the first change and the change application document that you submitted refers to the consultation you've undertaken, and and helpfully says that National England raised no concerns and you've spoken to the councils, and there's no comment either from the the wildlife trusts, what we didn't have was any evidence to back that up within the application. So whilst we don't disagree that that's the case, it will be helpful to sort of see any sort of comments, consultation responses, emails, whatever it may be, that just gives us the evidence that that supports that position. Now it may well be that we've missed it in the application, and if it's in there, by all means,

give us the reference. But between us, we we couldn't spot anything that that helped sort of clarify that for us.

Speaker 4
So, Alexander Booth, on behalf of the applicant, will look to tick that box very definitely, either to point you to what there is, and to the extent there's nothing there because we don't have anything because there's been no substantive response. We will look to provide you with the necessary documentation to make good that proposition.

Speaker 1
That's fine. It's just it's just whatever evidence you've got. And like I say, if if there is nothing, then you know that that's it. Yeah, that's fine. Okay, thank you.

Speaker 4
So, if I may, there's one further matter in this context that I just do want to flag, and it doesn't relate to the change application, but it does. It's a it's a further minor amendment that we want to bring to your attention, and it's as well to bring it to your attention now. So we've been having ongoing discussions with the county council regarding various matters, and one matter that we've discussed is a speed limit change, which Oxfordshire County Council would like to see, and that is in the vicinity of the junction of Camp Road and Chilgrove Drive. What OCC are telling us is that they would like to see the introduction of a 300 metre buffer zone of a 30 mile an hour speed limit introduced on what is currently the Upper Hayford Road in advance of that junction. Now, so we don't propose to make a formal change application in respect of this matter, which we say is at best a very minor tweak. And I mean, the key party here is Oxfordshire County Council. They're the ones that have requested that the amendment be made. What I wanted to do was flag that with you now, though, sir, just so that the XA could understand that's what we were proposing to do. And I mean, essentially, what we are proposing to do is to make that small amendment to the speed limit plan, which is document 2.10D. and also I think it's the relevant schedule will be schedule eight, I believe, to record that.

Speaker 1
Thank you, sir. Thank you. That that's helpful, and if needs be, we can have a discussion. And if there is some issue we have with that, we can we can feed that back to you, but yeah, that that's fine.

Speaker 3
Just a quick clarification, if I may. Just the funding statement issue is that something you propose to put in with your submission by the end of this week? As to where we are with that,

Speaker 4
Alexander Booth for the applicant. So the funding statement. I mean, I I was confirming that we were reliant on the funding statement as originally submitted, and I can confirm that in the letter that's going to go to the XA this week, if that's that's the issue that you were seeking to confirm,

Speaker 3
yeah, that just wraps everything up nicely for us. That's

Speaker 4
we will certainly confirm that position in writing in relate in the document we're going to provide to the XA this week.

Speaker 3

Thanks very much.

Speaker 4
Thank you.

Speaker 1
Thank you for that. That that that was helpful. Just to to clarify and to run through that, and taking the opportunity while we're all in the room to to do that. So that's the end of of item three. I think the one thing I would just say is is just for the benefit of anybody online or anybody in the room in terms of the change application, we are still dealing with the application as submitted. We haven't accepted those changes, so in terms of our questions and everything going forward, everything is as was originally submitted until we've accepted the application, and at which point there'll then be procedural decisions that will then go out to all the parties, so everybody's aware of what has been accepted. But just and that applies both to today and tomorrow at this issue-specific hearing as well. That I think is everything on on item three. So I'm now going to pass over to to mr. Rigby, who's going to take us through the rest of the agenda.

Speaker 3
Thanks, mr. Under. We're now moving on to item four on the agenda. Before I ask affected persons to speak in respect to their interests, I will run through the legal guidance and test to be satisfied. I did that at the first hearing, but there may be persons present in the room or online who are not present then. So I shall just run through again briefly, so everybody's clear. This hearing is being held as part of the examination of an application by Oxfordshire Rail Freight Limited for an order granting development consent for the construction of a strategic rail freight interchange, highways, and associated development, the scheme will consist of new connections to the Chiltern Mainline Railway. Improvements to Junction 10 of the M40 and improvements to the A43 B4100 Junction. So it's therefore a nationally significant infrastructure project under Section 26 railway interchanges and Section 22 highways of the Planning Act 2008. So this second hearing is being held under the examination procedure rules made under Section 97 of the Planning Act to enable the examining authority to hear individual objections from affected persons in respect of both compulsory acquisition and temporary possession. Noting that although the statutory tests in the Act under sections 122 and 123 do not apply to temporary possession, the panel must nevertheless be satisfied that for each plot, the use of the power is justified in order to implement the proposed development. Human rights act considerations are satisfied, and there are compensation provisions which are adequate to compensate those affected. The book of reference and the statement of reasons should also make it clear which plots are affected by temporary possession powers. Some plots may be affected by both temporary possession and compulsory acquisition powers. So, at today's hearing, we will examine the applicant's case in respect of individual plots and whether the relevant legal tests, policy, and guidance have been addressed. In particular, we will inquire into consider and establish clarity in respect of individual plots in respect of the following four aspects of the application. So, first, the applicant's case for both compulsory acquisition and temporary possession in respect of those plots. The compulsory acquisition and related provisions as presented within the order, draft 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 in respect of these plots. So, under Section 123, Subsection 1 of the Act, one of three conditions must be satisfied in respect of each parcel of land, and these conditions are set out in the subsequent subsections. Section 1232, the applicant seeking to require land and rights over land compulsorily under the Planning Act needs to have made provision for this in the GCO, the draft GCO, under Section 123, Subsection 3, 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 Four of the Planning Act, where additional land or 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, then the requirement is that the prescribed procedure must be followed, and the scribe procedure is what we've just been discussing in terms of the compulsory acquisition regulations. This additional process mirrors the process already undertaken in respect of the provisions included in the original application, and it's essentially an examination within an Examination. There are then, in addition, two tests which have to be satisfied under the Act, under Section 122. Firstly, a development consent order may only include provision authorising compulsory acquisition if the land is required for the development to which the consent relates, or is required to facilitate, or is incidental to the development, or not applying here is replacement land given in exchange for the order land under sections 131 and 132 of the Act. And secondly, there must be a compelling case in the public interest for the land to be acquired compulsorily. So it's for the applicant to defend and justify its proposals, and to show how the above tests are satisfied for the individual parcels of land which it intends to acquire compulsorily for each application.

Speaker 3
The application, 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 include 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 necessary and proportionate. The applicant must have a clear idea of how the land to which is to be acquired is to be used. There is to be a reasonable prospect of the requisite funds for compulsory acquisition becoming available, and the purposes are sufficient to justify interfering with the human rights of those with an interest in the land affected. Particular reference to Article One of the First Protocol of the European Convention of Human Rights. The application must be accompanied by a funding statement, which explains how the acquisition is to be funded, and it's also helpful to include as much information as is available as to how the project as a whole will be funded. And the applicant needs to be able to show that adequate funding will be available for the compulsory acquisition within the statutory time period. It's noted we note that Article 27 cites statutory time period of five years from the date that it comes into force for the exercise of powers. Also, needs to be submitted is a statement of reasons we just discussed earlier about a revised version of that, which is part of the change application, and it must justify the compulsory acquisition sought, explain why it is a compelling case in the public interest, and give reasons for the creation of any new rights. So, for the moment, the documents we'll refer to will be the latest versions, but the latest versions without any of the Proposed changes, so we also may refer to the Planning Act, to DCLG guidance relating to procedures of compulsory acquisition, and the Planning Act itself guidance on the examination stage, which is new MHCLG guidance from this year, which replaces the former DCLG guidance for the validation of applications. So that's all I wanted to say by the way of introductory remarks. But I felt it's important that everybody knows exactly what basis we are operating today. So I'll now move on to hearing affected persons. After we've heard each affected person, I'll invite the application to the applicant to respond. Sorry, and I'll then hear the affected person again if there's any clarification required in respect of anything that's said. So I have down the following affected persons: National Highways. I have Jeremy Bloom and Vicky Fowler. Is that correct? I also have down Philip Northstrand. I presume you are wishing to speak in relation to plots 223 and plots and plot 419, the 1961 conveyance, and Angela Dushik for Dorchester Living, who wishes to speak in relation to plots 4545 a, 464 18, 610, and 611. I think I've got that right. So I'll first hear National Highways. If you'd like to make your case for interference with your plots,

Speaker 5

Vicky Fowler, on behalf of National Highways, thank thank you, sir. So you haven't got a list of of plots from us because effectively there's around 200 odd plots within the book of reference.

Speaker 3
That's what I thought.

Speaker 5
Yeah, which National Highways have engaged with in terms of reviewing the status of those plots, and we are working with the applicant, obviously, to review that status and and to work our way through those. But in terms of taking the the categories of plots in turn, obviously, for for your note, so a large number of those plots form part of the SRN, and no compulsory acquisition is proposed. So effectively, what what we call white land, and the applicant's statement of reasons is clear that where land is an existing adopted public highway, over which the applicant is proposing only to carry out highway works, there'll be no compulsory acquisition over those plots. So, and we endorse that position and we welcome that position on behalf of the applicant. So, we're grateful for that. There's some plots of operational highway which, in fact, have been detrunked, and we have agreed those with the applicant. The book of reference is to be updated to include Oxfordshire County Council as reputed owner. But again, as their operational highway, there's no no CPO proposed. The book of reference then also lists some subsurface plots within the local highway in which national highways can. Continues to have an interest due to the local highway being created by a side roads order, and the plots effectively continuing to subsist in national highways rather than going over in terms of the the detrunking order. Now, now those plots are three slash 63, three slash 64, three slash 64 a and plot four slash seven. Now, as that land isn't required for n for national highways operations, any national highways are agreeing to the transfer of those plots by way of agreement. And steps to deal with that voluntary sale and purchase are in train. So, in relation to those plots, we would say that compulsory acquisitions not necessary, and we are working on getting that documented with the hope to have that documented before the close of the examination. We then have.

Speaker 3
Sorry, could you just repeat those plot numbers again.

Speaker 5
Absolutely. So it's um three slash 63, three slash 64, three slash 64 a, and plot four slash seven, and plot four four slash seven is particularly critical to the applicant because that I understand that's that's to be stopped up. Yeah.

Speaker 3
Thank you.

Speaker 5
Yeah, there are then a series of plots, which some of which have been identified by the applicant, and some which we've noted are not not in fact adopted highway, but they're national highways operational land. So, so from your site visit, if for example, as you if you've come off the M40 and you're heading A43 down towards Baynard's Green roundabout, you've got the boatway service area to your left, and there's a heavy wooded area that, for example, is National Highways owned. It's not adopted highway, but it is regarded as as operational land, and equally, as you approach the motorway service area on your left, it's again the sort of wooded areas that it's beyond the grass verge of the adopted highway. But but but those areas that are national highways, and and they wouldn't want to see those compulsory acquired. Now those plots are acquired effectively due to the highway works that are that are proposed, the reconfiguring and the widening of the highway. And the reason for including those

plots, we understand, is so that those works can be undertaken, and then the land can be dedicated back to national highways. Now we we don't support that step, and we say that's unnecessary and disproportionate, and has the ability to cause material detriment. So national highways are consent to when for the applicant to enter into the land temporarily, obviously subject to compliance with National Highways protective provisions in respect of those works, and then ultimately dedication will be dealt with through the final certificates provisions that are that are in the existing existing DCO. The applicant is quite keen for National highways to instead dedicate those areas as public highway from the start. National highways don't have the same powers like local authorities, where they can move land into different categories. So they don't have appropriation powers to to move land or dedicate land per se that would need to be through effectively common common law provisions. But so we're continuing discussions with the applicant on that. But that's an area where we would say the land is required for highway works that will come over to national highways, and frankly, compulsory acquisition is is is not necessary and shouldn't occur because ultimately it is. Well, it's not adopted highway. It's part of National Highways operational land. We then moving on to the sort of final category, which is the temporary possession powers. And at the last hearing, I mentioned there's one plot in National Highways ownership, which is the motorway service area access, which is required for the tying of works 15A and 15B, effectively as part of the highway works, National Highways would approve what's happening in that location, but we would be concerned about the broad temporary possession powers that are in the DCO applying to that particular plot because access needs to be and should be maintained to that that motorway service area, and I note that the motorway service area operators made representations to you. So, and then and then. Otherwise, there's temporary possession powers where national highways have certain rights of access associated largely with the maintenance of boundary features, and we we need to be able to preserve the exercise of those rights, and also to ensure those rights aren't distinguished. And again, we're discussing with the applicants, and there may need to be some diversion of some rights. My sort of final point is that National Highways' ultimate position is that none of the compulsory acquisition powers or the powers to override easements should occur without its consent, and that requirement should be included in the protective provisions. So, sir, for your note, Schedule 14, Part Two, Paragraph Five deals with prior approvals and security, and within National Highways Standard Template Protected Provisions, which were included in National Highways relevant representation, we had Paragraph seven two, and that states the undertaker must not exercise articles. And then there's a list a list of articles, and we would want to see the compulsory acquisition articles listed there. And the point is that over any part of the strategic road network or land in which National Highways has an interest without the consent of national highways, and it says a national highways may, in connection with any such exercise, require the undertaker to provide details of any proposed road-based bookings and submit a scheme of traffic management for national highways approval.

Speaker 5
So, so for example, so the the parts of the operational highway, for example, the the areas beyond the verges, for example, depending on what's going on on that land, that might that might necessitate traffic management, for example, while areas are being cleared. But but ultimately, National Highways needs to have control over its land. We are in discussion with the applicant, and we expect and we hope to reach agreement. But but but the the key point is we want we want to see those those powers curtailed in terms of national highways land, and as is consistent across a whole range of of DCOs that include that protected provision. So that's that's all I have to say on behalf of national highways.

Speaker 3
Thank you very much. That's that's very helpful. Could I pass over to the applicant to make any response you wish to make at this point?

Speaker 4
Thank you very much, Alexander Booth, on behalf of the applicant. I mean, the first thing to say is that we have been having and indeed continue to have very constructive discussions with National Highways, both in relation to technical matters and also other matters such as these land interests, and we're committed to continuing to work towards an agreed position in terms of the various categories of land that Ms. Fowler has spoken to this morning. I mean, I can confirm that I think in relation to those first three matters, that is, the strategic road network and no CIA powers being sought, the operational highway, which has since been detrunked, and so on, and then the third issue, the subsoil plot. There is no disagreement as between the parties on those issues. Similarly, the fifth category, the plots 15 A and B relating to the motor service motor service station. I don't think in relation to that access, the temporary position discussions are ongoing. There's not a particular issue between us. There is a disagreement, if I can put it there, in relation to the fourth category of land, and that is plots which are not adopted highway and not operational land. So the XA may be aware that we have already addressed this in writing, in the context of document 11.4 submitted at deadline two, and that is our response to other parties' comments on the draft DCO. The relevant paragraphs are paragraphs five point 5.3 to five point 5.5. The XA, rather sorry, National Highways, as indicated just now, avers that what should happen is that we should exercise powers of temporary possession in relation to those plots, and that thereafter, once works have been carried out, land can be dedicated accordingly as highway. What we have suggested. And what we speak to in the document that I've just referred to is a proposition that NH adopts that land as part of the public highway, and then we will be able to go on and carry out the works, and there will be no need to exercise compulsory purchase powers either. Now I understand, Ms. Fowler, to be suggesting a moment ago that that wasn't a course legally open to national highways. I have to say that's the first we've heard of it. I'm not looking to get into a material debate about it now. I think the best I can say is that we will look to engage with national highways in and around these hearings, and subsequently to reach a position of agreement in relation to that matter. But ultimately, there's nothing else between us. We're just looking to, you know, reach common ground in terms of protective provisions, I mean, I don't propose to address you in relation to protective provisions now because we're going to come on to those subsequently. But I mean, those it's well established in current guidance that protective provisions shouldn't amount to an impediment to delivery. The relevant paragraph in the July guidance is paragraph four point 25, but I'm not proposing that we get into the substance.

Speaker 3
We can deal with that later on. Yeah, thanks very much. Anything else you wish to say at this point?

Speaker 4
No, sir. Thank you very much.

Speaker 3
Thank you. So next, I'm

Speaker 1
just conscious of the time and a potential fire alarm that might might break us in mid flow, and I'd hate to go to the next person just as they're about to to launch into a well prepared speech, and the fire alarm interrupts. Just one. So I think what I'm going to suggest is that we do take a break now, and that means that if the fire alarm goes off, we're not interrupted. If it doesn't go off, we've all had a stretch of our legs. So I suggest we come back here at five past 11, if that's okay. So this hearing's adjourned till 11 o5.