The Oxfordshire Strategic Rail Freight Interchange and Highways Order 202X

Compulsory Acquisition Hearing 2: 10 November 2026

Applicant's Action Point – Note in relation to Change Request 1: Engagement of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) and proposed timetable

1. Introduction

At CAH2, the Applicant committed to provide a written note explaining its position on the engagement of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) ("the CA Regulations") including a proposed timetable in relation to 'Change 1' which was submitted at Deadline 2 as part of the Change Application. This note is provided to serve that purpose.

2. Engagement of the CA Regulations

As the ExA is aware, Change 1 was submitted at the landowner's request, and resulted in the removal of some land (being plots 2/10, 2/5 and 2/4a), the reduction of plot 2/4 and the addition of some other land (plots 2/4b and 10/8).

The new land is within the same Land Registration Title as plot 2/4 and therefore the interests that were noted in the Book of Reference for plot 2/4 are also now included for the new plots 2/4b and 10/8. The Book of Reference and Land Plans confirm that the compulsory acquisition powers sought relate only to third party interests and not the freehold, however the Applicant's land referencing team had noted that a historic unknown annual rent charge from 1920 should have been included in the Book of Reference for plot 2/4 and that has now also been added.

As is good practice, OCC has also been added as the highway authority for the public footpath which runs between plots 2/4 and 2/4b.

The Applicant therefore accepts that there are third party interests included in this change which would technically engage the CA Regulations, on the basis that new land has been added and an historic interest has been newly added. The relevant interests are:

a) An unknown annual rent charge from 1920 (new on 2/4, 2/4b and 10/8);
b) An annual rent charge for Cherwell Valley Benefice from 1953 (was included on 2/4, new to 2/4b and 10/8);
c) Right of support and right of entry for maintenance of boundary features for Katherine Kennard and William Power (was included on 2/4, new to 2/4b and 10/8);
d) Right of support and rights relating to service media and drainage and a right of access for repair and maintenance RJ Surman & Son Limited (was included on 2/4, new to 2/4b and 10/8); and
e) The R J Surman & Son Limited Unilateral Notice in respect of a 2024 contract for sale (was included on 2/4, new to 2/4b and 10/8) is being removed from the title but is included in the Book of Reference until it has been removed.

Whilst consultation has not taken place specifically in relation to the unknown 1920 annual rent charge, consultation notices were placed near that land during pre-application consultation (this is shown as "ORFI Gen 27" with a green circle on Appendix 31 of the Consultation Report (Document 5.1K/AS-049) which related to general unknown interests.

Consultation was undertaken with the other parties in respect of their previous interests in the Order limits but not specifically in relation to the new plots 2/4b or 10/8 (other than so far as Ms Kennard and Mr Power are aware of and involved in the option agreement in their involvement in the Meyrick Jones partnership).

3. Timetable under the CA Regulations

In terms of the need for a proposed timetable from the Applicant, the Applicant suggests the following timetable:

a) For the purposes of Regulation 5, the Applicant proposes that the appropriate documents are:
   i. Book of Reference submitted at Deadline 2 (Document 4.3 v2/CR1-044) ;
   ii. The Statement of Reasons submitted at Deadline 2 (Document 4.1/CR1-041);
   iii. The Land Plans sheets 2 and 10 (Document 2.1B/CR1-002 and 2.10J/CR1-005) submitted at Deadline 2;
   iv. The Applicant submits that funding is not affected by the engagement of the CA Regs for these interests, and so the original Funding Statement remains the relevant document for this (4.2/APP-144).

b) With regard to Regulation 6, which requires the ExA to decide whether to accept the change documents within 28 days from the day after the documents are received, the ExA could accept these documents by 24 November[1];

c) The Applicant would then give notice under Regulation 7 to the relevant parties, confirming a minimum deadline of 28 days for submission of representations. Assuming the ExA accepts the change documents on 24 November, the Applicant's notice would be issued on 25 November, giving a deadline of 8 January 2027 (allowing additional time to align with the Reg 8 notices).

d) The Applicant will publish notices in newspapers pursuant to Regulation 8 according to their print deadlines. Assuming print deadlines as per the pre-application consultation notices, the first local notice and both national notices are likely to be 3 December, with the second local notice on 10 December. The Applicant suggests a deadline of 8 January.

e) The Applicant would then need to provide certificates of compliance for Regulation 9 by 22 January.

The Applicant respectfully suggests that the ExA can be satisfied for Regulation 11 (and other subsequent Regulations) that there are no new issues arising as a result of the change and that no further hearing would be required. The change can be considered as part of the ongoing Examination and in line with the current Examination timetable.

4. Change Application Documents: ISH3

The ExA confirmed in CAH2 that the Applicant's change request has not been determined and that in consequence the application under consideration by the ExA comprises the form of the Application as originally submitted.

The Applicant notes that position and fully acknowledges that it must be correct. However, in terms of the conduct of ISH3 tomorrow, the Applicant considers it would be helpful to clarify the basis on which the various topics in section 3 of the Agenda fall to be considered. Most matters, in particular, Items 3.1 (PFAS), 3.3 (Minerals), 3.4 (Waste), 3.6 (Palaeontology) and 3.7 (Water Environment) are unaffected by the Change Application. The various documents submitted at Deadline 2 in respect of those topic areas are not reliant on the Change Application (notwithstanding the some of them have been categorised as change documents on the Planning Inspectorate website).

[1] The Applicant notes that the ExA has requested evidence of consultation with Natural England, CDC, OCC and the Berks, Bucks & Oxon Wildlife Trust. The Applicant confirms that evidence will be submitted as soon as possible, but would respectfully suggest that that is not relevant to the engagement of the CA Regulations and therefore does not need to inform the timetable.

However, in relation to Items 3.2 (Transport) and 3.5 (Ecology) some of the documents submitted at Deadline 2 do reflect the Change Application. The conduct of tomorrow's hearings is of course a matter entirely within the control of the ExA, however the Applicant respectfully suggests that in the context of the Transport and Ecological discussions, it may be appropriate to consider certain of the Agenda topics not only by reference to the original Application documentation, but also by reference to updated documents which the Applicant acknowledges have not yet been accepted and are influenced by the Change Application. Any such discussion would though, of course, be entirely without prejudice to the ExA's ultimate determination as to whether or not the Change Application is accepted.