

**PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)  
ORDER**

**CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE**

**IN RELATION TO**

**THE OBJECTION AND EVIDENCE OF**

**GOSFORD AND WATER EATON PARISH COUNCIL**

**1 Introduction**

- 1.1 This rebuttal proof of evidence has been prepared on behalf of the Chiltern Railway Company Limited (Chiltern Railways) to respond to particular aspects of the objection and evidence of Gosford and Water Eaton Parish Council.
- 1.2 In particular, Gosford and Water Eaton Parish Council have raised points in their proof of evidence (dated September 2010) provided for the Inquiry that Chiltern Railways had not previously addressed in the proofs of evidence prepared by their witnesses, which were submitted to the Inspector and to certain objectors on 1 October 2010. Gosford and Water Eaton Parish Council have also submitted to the Inquiry, on 20 November 2010, their response to a number of Chiltern Railways proofs of evidence. Chiltern Railways wish to address these outstanding concerns in this document.
- 1.3 It is not intended that this rebuttal proof should repeat material that the witnesses for Chiltern Railways have already covered in their evidence or responses to Questions of Clarification. Cross-references to relevant paragraphs of those witnesses' proofs of evidence are given below, where appropriate.
- 1.4 It is intended that this rebuttal proof should be a composite response by Chiltern Railways to those new points raised in the evidence of Gosford and Water Eaton Parish Council and referred to above. In this respect, the name of the Chiltern Railways witness who is responsible for each aspect of this rebuttal proof is given at the beginning of each section below.

## 2 Defined Terms

2.1 The following defined terms are referred to throughout this rebuttal proof:

- “the Correspondence”* means correspondence in the form of letters exchanged between Chiltern Railways and Gosford and Water Eaton Parish Council dated 8 February 2010, 14 March 2010, 13 May 2010, 7 July 2010, 12 July 2010, 15 July 2010, 23 August 2010, 31 August 2010 and 7 October 2010 attached as Appendix A to this rebuttal proof;
- “the Objector”* means Gosford and Water Eaton Parish Council;
- “the Objector’s evidence”* means the proof of evidence (dated September 2010) of Gosford and Water Eaton Parish Council and Gosford and Water Eaton Parish Council’s response to Chiltern Railways Proofs of Evidence submitted on 20 November 2010;
- “the Order application”* means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010; and
- “the proposed Order”* means the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

## 3 Chiltern Railways’ Rebuttal of the Objector’s Evidence

### *Context*

3.1 The proof of evidence and supplementary response to Chiltern Railways proofs of evidence have been written by Carl Smith, the Parish Clerk to Gosford and Water Eaton Parish Council (G&WEPC). Each submission will be individually addressed below.

### *Proof of Evidence of Gosford and Water Eaton Parish Council (OBJ33/2)*

3.2 The Objector states that Gosford and Water Eaton Parish Council do not have any dispute over the actual transport improvement to the railway and associated essential station works but maintain a number of concerns as set out below.

### *Green Belt, Ian Gilder*

3.3 The Objector is concerned that the Water Eaton Parkway scheme encroaches into the green belt, specifically around the boundary of the Park & Ride. The Objector asks that the railway sidings be deleted from the proposal, which would reduce land acquired in the green belt.

3.4 The Objector states that an Oxfordshire County Council (OCC) enforcement officer has found that Hansons are operating the railway sidings as a commercial aggregate depot without planning permission. The Objector states that despite OCC’s invitation to Hansons to apply for legitimising their operations, Hansons have refused to do so.

- 3.5 The Objector states that Chiltern Railways are using this Transport & Works Act Order for the benefit of a non-essential rail transport land transaction, which is an inappropriate and unacceptable use, to relocate an unauthorised aggregate depot into the Green Belt on behalf of a third private commercial party.
- 3.6 Chiltern Railways has, as part of the TWA Order application, applied for a new planning permission for an aggregates depot on the land to the north east of the present site. This application, if granted, would include the export of aggregates by road, as at present. It will be a matter for the Inspector to recommend whether planning permission should be granted and for the Secretary of State to make a decision based on that recommendation. Since this is a planning application for development in the Green Belt, the Secretary of State will, of course, have to take the Green Belt policies in PPG2 and the Local Plan into account in reaching a decision. It is for the Secretary of State to decide to grant that permission, even if Hanson are unsuccessful either in convincing the County Council that the existing use is lawful or fail to secure the grant of a planning permission for the present use.

*River Cherwell Flood Assessment, Ian Gilder*

- 3.7 The Objector is not satisfied with the applicants Flood Assessment and their commitment given over location AP12 (Cherwell and Millstream Viaducts) [page 35 **CD/2.22**], which demonstrate there is no obstruction to flood flows across the flood plain and therefore no compensatory flood storage requirements.
- 3.8 The Objector states that the flood assessment should consist of the whole railway line and structures between corridor boundaries that cross the flood plain, not just for the re-decking work.
- 3.9 The Objector states that this railway was planned and constructed in the mid-1800s when the upstream catchment was very much different that it is today; not only has vast areas been urbanised and major roads constructed across it, but farming practices have also changed, that all increase run-off to the River Cherwell; at the same time climate change is having a significant affect and there are proposals for substantial areas of upstream development planned in the Cherwell Local Development Plan, which will also increase catchment run-off into this river.
- 3.10 The Objector states that amended flood maps were published at the end of 2009, but it is not clear what current EA Flood Map has been used in the Chiltern Railways flood assessment. The Objector states that the Kidlington flood defences are shown as operating over their maximum capacity.
- 3.11 The Objector states Chiltern Railways Flood Assessment [**CD/2.22**] is based on a 1 in 100 year flood plus 30% additional flood volume and considers the development to be the viaduct re-decking. The Objector states that under this arrangement their flood assessment rates no obstruction to flooding, but it is clear that roads and the railway act as obstructions across the flood plain.
- 3.12 The Objector considers that the Chiltern Railways flood assessment has not been conducted in compliance with PPS25 [**CD/3.30**], where the worst case scenario should be examined. The Objector requests that Chiltern Railways should re-

examine their flood assessment to determine the proportion of flood obstruction caused by the railway, as against road crossings. The Objector states that then in partnership with other Authorities possibly through the pending Cherwell Flood Risk Management Strategy, the applicant could make a financial contribution towards improving the Kidlington and Gosford & Water Eaton flood defences.

- 3.13 Flood risk, including potential impacts to flood flows, has been assessed as a core technical area throughout the progression of the Order Scheme. Chiltern Railways appointed hydrology and flood risk specialists have assessed all aspects of the proposals, in close consultation with the Environment Agency and utilising the latest flood history and modelling data available. The specialist reports included on **CD/2.22** provide specific reference to the EA Flood Map and modelling data applied during each assessment stage. Discussions with the Environment Agency Flood Modelling team have been conducted throughout the Order Scheme progression to ensure application of the latest data.
- 3.14 Chiltern Railways has made specific commitments with respect to aspects of the proposed works with the potential to impact upon flood water movement, flows and storage within the sub-catchments concerned. A detailed (Level 3) Flood Risk Assessment works package will be progressed. This works package will include hydrological modelling to further define flooding characteristics along the route of the Order Scheme, informing both the exact nature of detailed design mitigation for proposed works and the responsible and sustainable management of risk in this regard.
- 3.15 The assessments conducted to date have applied allowances for climate change and a reasonable worst case approach in accordance with good practice and current flood risk policy. We do not therefore agree with the Objector's comments. In terms of surface water drainage and fluvial flood risk sources, the Order Scheme will provide betterment in terms of capacity and flood water storage. Any new structures will be designed to minimise impacts to flow and localised drainage patterns, and Sustainable Drainage Systems will be integral to management of runoff from buildings and areas of hard standing.
- 3.16 With specific reference to the Objector's comments regarding AP12, no changes are proposed to the viaducts that would alter their current flood flow conveyance. Further, the Environment Agency has confirmed that there are no current conveyance issues associated with the existing structures.

*Potential Impacts on Parish Footpaths & Bridleways, Ian Gilder*

- 3.17 The Objector states that Gosford and Water Eaton Parish has a significant network of footpaths and bridleways, FP 229110, FP 229/4 & BR229/5 all cross the railway and A34. In the interest of safety to walkers the Objector accepts the proposed diversions, however, the objector states that there is a need to make these diversions into pleasant countryside walks and keep the splitting up of farm land to a minimum.
- 3.18 The Objector states that regarding the Parish Circular walk along BR229/5, there is some concern that pleasant views across open scenic countryside will be spoilt, unless Water Eaton station and parkway can be well screened with landscaping. It is

therefore requested that a visual impact survey is carried out for tree and hedge planting schemes for screening the development from countryside views and to give adequate protection against light spillage and noise being emitted into the surrounding countryside.

- 3.19 As noted in paragraph 8.5 of Ian Gilder's proof of evidence [CRCL/P/12/A], the Water Eaton Parkway, the works will result in beneficial visual impacts, in particular, from the removal of the large derelict grain silo building. A number of mitigation measures have been incorporated into the design of the Order Scheme, including the retention of mature planting. Detailed landscaping designs will be submitted, under Condition 5.2 of **CD/1.12.3** for Water Eaton Parkway Station and the aggregates depot. This will ensure that the Water Eaton Parkway Station will be satisfactorily landscaped and will not have a impact on visual amenity in the area.

*Impacts on Transport & Traffic and On-Street Parking, Paul Tregear [OBJ/33/4]*

- 3.20 The Objector is questioning the submitted Traffic Impact Assessment (TIA), [CD/2.25] for Water Eaton Parkway, and is concerned with the following items:
- (i) The customer market seems not to be clearly addressed and therefore passenger traffic generation is not fully defined;
  - (ii) That future development in the area has not been taken fully into account in the TIA, which could substantially increase traffic levels;
  - (iii) The TIA only looks at the immediate road network and not the overall distribution of the local road network around Kidlington and Gosford & Water Eaton; and
  - (iv) The on-street parking problems for this and neighbouring Parishes seems to have been ignored.
- 3.21 The Objector contends that the attracted passenger market will come from further afield than described in Chiltern Railway's TIA. The Objector states that besides attracting passengers from around the perimeter of the Oxford city and surrounding villages, it is considered that there will be a market demand from the Witney / Carterton & Woodstock areas, based on the suggested sketched market zones on the Oxford County Council Transport Plan. The Objector states that passengers likely to come by car will increase traffic congestion on the overall road network to the Water Eaton Parkway site, unless some alternative measures are put in place.
- 3.22 The reference by the Objector to **CD/2.25** as a TIA is incorrect. **CD/2.25** is the Model Development and Forecasting Report for the S-Paramics micro-simulation traffic model which has been built to assess the operation of the local highway network in the vicinity of the Water Eaton Bus Park and Ride Site and the proposed Water Eaton Parkway Station. The S-Paramics modelling forms only part of the comprehensive technical assessment completed for the project to assess the road transport impacts of the Order Scheme.
- 3.23 The Objector is correct that the new Water Eaton Parkway Station will attract passengers from beyond the perimeter of Oxford City. With reference to the rail

passenger demand forecasting work undertaken by SDG on behalf of CRCL, it is predicted that the new station will attract passengers from areas including Witney/Caterton, Woodstock, Kidlington and the north of Oxford (**CD/2.30**, Figure 3.2, page 10).

- 3.24 To assess the road transport impact on the wider highway network, a cordoned area of COTM, Oxfordshire County Council's own model, has been used as reported in **CD/2.23**. The extent of the cordoned models (AM and PM peak hour models) used relates to the station catchments derived from the rail passenger demand forecasting work [**CD/2.30**].
- 3.25 The plans included at Appendix J of **CD/2.23** show the overall 'car access' rail demand to and from the rail stations within the COTM cordon model. In respect of Water Eaton Parkway Station, this includes passenger car journeys from areas including Witney / Carterton, Woodstock, Kidlington and the north of Oxford.
- 3.26 Paul Tregear responds specifically to the Objector on the matter of assessing the impact of the proposals at Water Eaton on the road network in his Proof of Evidence (**CRCL/P/8/A**, paragraph 10.31-10.32) with reference to section 6 of his main Proof, **CD/2.23** and **CD/2.25**.
- 3.27 The traffic modelling shows benefits to the road highway network as a whole as the Order Scheme encourages a transfer from road-based to rail-based travel, leading to reductions in vehicular CO<sub>2</sub> emissions. The modelling, reported in detail in **CD/2.23** and summarised in section 6 of Paul Tregear's Proof of Evidence, concludes that the impact of traffic on the surrounding highway network, including the Wolvercote, Cutteslowe and Loop Farm Roundabouts and the Peartree Interchange, will be small (**CRCL/P/8/A**, paragraph 6.25) and traffic flows through these junctions generally reduce with the introduction of the Scheme (**CD/2.23**, paragraphs 3.32 and 3.33).
- 3.28 The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.
- 3.29 The Objector states that there is a concern that growth from future housing and business development in the area from proposals in the Cherwell District Councils Local Development Plan and Oxford Core Strategy have not been fully taken into account. The Objector states that from the Oxford Core Strategy Public Inquiry into the North Oxford Gateway Scheme some witness traffic expert is predicting a 53% increase in traffic by the year 2026, which could cause peak time gridlock well before 2015, unless solutions are found to alleviate the problem.
- 3.30 The traffic modelling that has been undertaken in this area, as reported in Section 6 of Paul Tregear's Proof of Evidence (**CRCL/P/8/A**) and in detail in **CD/2.23**, has made use of COTM, Oxfordshire County Council's own model, to test the impact of the Order Scheme on the wider network. The future year tests are at 2016 and 2026 and these forecast scenarios include both committed and anticipated development and infrastructure improvements as defined by OCC. For example, the 2026 scenario has allowed for development at the potential 'Northern Gateway' project at Peartree.

- 3.31 The resultant cumulative impact on the local highway network is reported in section 6 of Paul Tregear's Proof of Evidence (**CRCL/P/8/A**) and in detail in **CD/2.23**], with the impact shown on the model output plots included at Appendix M of **CD/2.23** and the link flow plans included at Appendix N of **CD/2.23**.
- 3.32 The Objector states that the Chiltern Railway's TIA only looks at the immediate road network and it is clear from the original Water Eaton Park & Ride Public Inquiry that the Inspector's recommendation to the Secretary of State concurred with both Kidlington and Gosford & Water Eaton about any single junction Park & Ride plus office development at this location totalling to around 1,300 parking spaces would cause unacceptable traffic congestion through the villages. The Objector states that the office development was refused by the Secretary of State and the Park & Ride proposal reduced to 800 parking places as a result of the Inspectors recommendations.
- 3.33 The Objector states that if any more substantial amounts of traffic was generated by the Order Scheme, especially along the A4260 Banbury & Oxford Roads through the village, there would be unacceptable traffic grid lock cause at peak times which he states would leads to rat-running through Garden City and Mills Street/Evans Lane back street routes and more commuters park to catch premium bus services. The Objector states that it is unacceptable to assume that Oxford commuters peak hour will not coincide with train passengers at times and the worst case scenarios needs examining in detail.
- 3.34 The Objector states that although Chiltern Railway's Case Statement confirms that they will enter into an agreement with OCC over ensuring efficient operation and management of both rail and bus car parks, the wording about being free at the present is of concern to the Objector. Specifically, the operation and management of the station and car park charges.
- 3.35 Paul Tregear responds specifically to the Objector on the matter of assessing the impact of the proposals at Water Eaton on the road network in his Proof of Evidence (**CRCL/P/8/A**, paragraph 10.31-10.32) with reference to section 6 of his main Proof and **CD/2.23**, **CD/2.25**.
- 3.36 The traffic modelling, reported in detail in **CD/2.23** and summarised in section 6 of Mr Tregear's Proof of Evidence, concludes that the impact of traffic on the surrounding highway network, including the Wolvercote, Cutteslowe and Loop Farm Roundabouts and the Peartree Interchange, will be small (**CRCL/P/8/A**, paragraph 6.25) and traffic flows through these junctions generally reduce with the introduction of the Scheme (**CD/2.23**, paragraphs 3.32 and 3.33).
- 3.37 The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.
- 3.38 The operation and management of the new Water Eaton Parkway Station and the adjacent Water Eaton Bus Park & Ride facility in a co-ordinated and integrated fashion is very important to both Chiltern Railways and OCC, as P&R operator. The

parties have entered into a management and operations agreement, and as part of that a Water Eaton Parkway Management Group (WEPMG) is proposed. The WEPMG will manage and monitor the operation of the joint facility, and make any decisions that may be required in the future on issues such as capacity and charging. The agreement between Chiltern Railways and OCC includes provision for the Parish Council to be invited to attend the meetings of the WEPMG.

3.39 The Objector request that:

1. That Chiltern Railways should re-look at their TIA and carry out a much wider market/ local road network assessment and consider worst case scenarios and having measures to ameliorate any problems caused, such as by planning new bus services and links between Park & Ride sites and taking other traffic improvements and measures.
2. There should be an on-street parking management plan in place to protect the Parish from commuters parking all day in the streets. Where on occasions emergency services have difficulties getting through and there is local traffic congestion problems caused with associated hazards and increases levels of pollution.

3.40 The approach and methodology of assessing the road traffic effects of the Order Scheme are described in Chapters 5 and 6 of Paul Tregear's Proof of Evidence (**CRCL/P/8/A**). The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.

3.41 The WEPMG will manage and monitor the operation of the Water Eaton Park & Ride and Parkway Station facility.

*Response to Chiltern Railways Proof of Evidence by Ian Gilder **CRCL/P/12/A** [OBJ/33/3]*

3.42 The Objector sets out a number of questions of clarification regarding the evidence of Ian Gilder. The context and question from the Objector are set out and answered below.

*Relocation of Water Eaton aggregate Depot*

3.43 The Objector asks why the original private Railways Acts justify that no planning permission was required to establish the existing Hanson depot?

3.44 **Question 1:** *What clauses or specific references are being referred to, or can be quoted from the original 1800s Railways Acts (**CD/5.1 to 5.4**) and how do they apply to this current situation, or apply to Chiltern Railways TWAO?*

3.45 The railway at Water Eaton is part of the railway authorised by the Oxford & Bletchley Railway Junction Act, 1846, and modified by the Buckinghamshire Railways Act 1847. The railway was opened to on 2 December 1850 and the freight depot was opened either at the same time or very shortly thereafter.

- 3.46 The Objector states that it was in 2006 that Hansons established a permanent depot without planning permission and this fact has been acknowledged by OCC's Planning Enforcement Officer. The Objector states that Hanson have also refused to apply for a required Certificate of Lawfulness.
- 3.47 **Question 2:** *As the OCC Planning Enforcement Officer has deemed that planning permission or a Certificate of Lawful Use or Development Application is required by Hansons (se attached letter), who have continually refused to comply, even after reminders and further complaints from the Council, why has no action been taken?*
- 3.48 It is a matter for Oxfordshire County Council, as the local planning authority, to take any action they consider appropriate.
- 3.49 The Objector understands that although Network Rail might own the site of the Water Eaton railway sidings, it became vested, or leased to English Welsh & Scottish Railways and was taken over sometime later by a private German company D B Schenker Rail UK Ltd, who are the landlords to Hansons. The Objector states that it also seems from the property schedule, that there are other railway company complex interests involved. The Objector also understands that Hansons have a 20 year lease on the site.
- 3.50 **Question 3:** *As DB Schenker and Hansons have submitted objections (OBJ/293) & (OBJ/101) respectively, can it be assumed that they are a separate third party company or companies, where Chiltern Railways are inappropriately using the TWAO procedures to benefit them?*
- 3.51 Chiltern Railways do not operate freight services. However, Chiltern Railways consider that the depot both in its current use and designation under the 1993 Railways Act [CD/5.10] as a "Strategic Freight Site" is required to provide for its future operations, hence the proposals as part of the overall Water Eaton Parkway station scheme. It is not therefore, included to benefit a third party.
- 3.52 **Question 4:** *As this is not a Network Rail TWAO, but is being implemented by Chiltern Railways who do not operate aggregate, or other freight trains, then is this evidence that they are inappropriately using this TWAO legislation to acquire land and planning consent in the green belt that is not necessary for the Scheme, but will benefit the interests of other parties, or a third private party?*
- 3.53 The Objector is incorrect in alleging that the Order Scheme is being promoted for the benefit of third parties. The Order Scheme will form part of the national rail network and the line can thus be used by any train operators. Chiltern Railways consider that the depot both in its current use and designation under the 1993 Railways Act [CD/5.10] as a "Strategic Freight Site" is required to provide for its future operations, hence the proposals as part of the overall Water Eaton Parkway station scheme.
- 3.54 The Objector understands that the TWA Order includes applying for planning consent, but there has been no public consultation process over the full details, or for carrying out the necessary planning assessments for this new aggregate depot proposal. The Objector states that it is of concern to find out about the present

existing railway sidings lease agreement including for erecting a concrete and / or tarmac plant and could also include for other buildings.

- 3.55 **Question 5:** *Would this also include the possibility of establishing a different business, such as a Grundon recycling separation centre (OBJ/ 102)?*
- 3.56 The proposed design and development at Water Eaton Parkway is shown in Annex C of **CD/1.19/1**. This will be subject to reserved matters to be approved by the local planning authority.
- 3.57 The Objector states that there is particular concern that the area of land for the new aggregate depot as shown in Ian Gilder's evidence in **CRCL/P/12B** in Appendix 4 (Illustrative Landscape Proposals) seems much smaller than that shown on the land acquisition plan in Richard Caten's evidence **CRCL/P/11/B** on Plan No. 0BJ239.
- 3.58 **Question.6:** *Can it be explained why there is this difference, which plan is correct and for what reason is there any difference shown?*
- 3.59 Annex C of **CD/1.19/1** shows the most up to date design for Water Eaton Parkway Station, which are similar to the plans shown in Ian Gilder's evidence. Richard Caten's evidence shows the maximum extent of land to be either temporary or permanently acquired. The detailed design and submission of reserved matters will determine exact design details.
- 3.60 **Question 7:** *As Chiltern Railways has admitted they have nothing to do with freight, then why are they using this TWAO process to acquire privately owned land and planning consent for an ancillary proposal, which is outside of the boundary of the main railway scheme?*
- 3.61 The Order Scheme will form part of the national rail network and the line can thus be used by any train operators. Chiltern Railways consider that the depot both in its current use and designation under the 1993 Railways Act [**CD/5.10**] as a "Strategic Freight Site" is required to provide for its future operations, hence the proposals as part of the overall Water Eaton Parkway station scheme.
- 3.62 The Objector states that Chiltern Railways have recognised that there are other alternative feasible sites available to locate a new aggregate depot, in accordance with the Minerals & Waste Strategies, by the fact of preparing and putting forward Water Eaton Rail Aggregates Depot Alternative Sites Appraisal Report [Appendix IMG 6 of **CRCL/P/12/B**]. The Objector states that in this comparison assessment of alternative potential sites for relocating the Water Eaton aggregate depot, it is incorrectly stated that the Bicester MoD Depot is in the Oxford Green Belt. The Objector states that this can be established by looking at the Cherwell District Council's Non-Statutory Local Plan Proposals (extract photocopy attached which shows the boundary of the green belt near this location). The Objector states that a liberty is taken to amend table IMG-6.1 in red to express the Parish Council's opinion over options (see on attached).
- 3.63 The Objector is convinced that there must be a better feasible site option available, which does far less damage to the vulnerable green belt gap between Oxford and Kidlington & Gosford than the Chiltern Railways proposal. The Objector suggests, for

instance, that there could be suitable alternative sites at Cassington area (where it is believed Hansons may already hold an interest) or at Ardley quarry (to combine with the OCC waste disposal projects); or in the Bicester area (where within this very large MoD site complex there must be some non-operational suitable land available, which they must surely be willing to sell). The Objector also understands that a railway siding can be accommodated in the Shipton on Cherwell quarry which would be provided by developers, through a major Cherwell Local Development Plan proposal.

- 3.64 **Question 8:** *Will Chiltern Railways accept that the relocation of the aggregate depot is not an essential part of their Bicester to Oxford railway improvement scheme and concede that there are other feasible alternative sites, other than as shown in their Table IMG-6 1, which are appropriate and do less damage than relocating the Water Eaton aggregate depot into the green belt? Therefore do they also concede that their TWAO is also being inappropriately to use under these circumstances?*
- 3.65 For the reasons set out in **CRCL/INQ/35** Minerals Industry and Aggregate Depots in Oxfordshire, the proposed relocation of the aggregates site in the Order is considered the most appropriate for a convenient rail aggregates depot to serve Oxford.
- 3.66 The Objector states that the Parish Council question the validity of the comment made on the Alternative Sites table, on page IMG6-5, regarding effective operation and signalling capacity restraints, when there is a proposal in the Oxfordshire Local Transport Plan for a feasible railway station at Grovelands in Kidlington. The Objector states that this must surely emphasises that there is enough railway operational capacity and pathways available for freight and aggregate trains for alternative site options on the west railway side of Kidlington. The Objector states that in any case it is believed that the transporting of aggregate by train is not tied to any scheduled timetable like passenger trains and therefore pathways could be found by slotting them in at none peak times. The Objector states that this must have been considered and found acceptable by OCC and Railway Authorities prior to the OCC Minerals & Waste site options being published for consultation. The Objector states that in fact the railway restraints in Table IMG-6 on page IM06-5 are also queried. The Objector states that this is because in the evidence of Allan Dare **CRCL/P/2/A**, paragraph 9.3.4 of page 36 of 44, it is confirmed that the railway industry 'TRUST' data base shows around a 50% of existing freight train paths between Oxford and Banbury are actually used within any 24 hours and 48% on the Bicester to Oxford line. The Objector states that this therefore shows, that it should be practical to find pathways through to any of the alternative aggregate depot options listed by Chiltern Railways and in the attached OCC site options.
- 3.67 **Question 9:** *Can Chiltern railways explain and concede that there is enough railway capacity available for rail pathways through to all the aggregate depot site options, now that the rail TRUST database has show that only 50% paths are taken up by existing freight (trains), which could include for carrying aggregate ?*
- 3.68 With regard to the proposal in the Local Transport Plan for a station at Kidlington, this has not been progressed by the railway industry for reasons including a lack of line capacity.

- 3.69 With regard to the aggregates terminal, Chiltern Railways considered a number of sites and concluded that none were suitable due to issues including railway operating constraints, lorry mileage and local planning and environmental issues.

#### *Flood Risk*

- 3.70 The Objector states that they along with Kidlington Parish Council have made a number of enquiries to the Environment Agency (EA), (letter attached which accompanied the flood maps in **OBJ/033/1**, Appendix B iii & iv of v), where in point 1(e) they confirm that the railway and roads crossing the flood plain are taken into account in their model.
- 3.71 **Question 10:** *Has, or is Chiltern Railways going to carrying, out checks to assess what percentage of obstruction the railway causes in the River Cherwell flood plain as compared with road crossings?*
- 3.72 Paragraphs 3.13 to 3.16 of this rebuttal deals with Chiltern Railways response to Flood Risk.
- 3.73 **Question 11:** *Is Chiltern Railways prepared to meet this request for making a reasonable contribution, along with other Developers and Authorities who contribute, or have constructed restrictive crossings in the past across the flood plain?*
- 3.74 The Order scheme preserves the size and number of opening beneath the railway viaducts and therefore does not worsen the situation with respect to flooding. It is not the Promoter's responsibility to instigate or fund flood relief schemes.

#### *Air Quality*

- 3.75 The Objector is concerned about the air quality impact of the idling engines from standing locomotives in the Water Eaton railway station and at the relocated aggregate depot. The Objector understands that locomotive drivers at Hinksey railway sidings in Oxford tend to ignore rail company rulings to switch off engines when standing, because it is very difficult to them start up again.
- 3.76 The Objector is also concerned with the exhaust pollution from machinery used to unload stone trains and load up lorries at the proposed aggregate depot. The Objector states that from experience many lorry drivers may ignore any lorry route planning conditions and continue to use roads through Kidlington and Gosford, which is very likely to be impossible to monitor and enforce.
- 3.77 The Objector is concerned about potential dust creation in and around the site and potential night time light pollution.
- 3.78 **Question 12:** *Under the above circumstances is this conceded as another good reason for not relocating the aggregate depot into the narrow green belt gap. Even if there were planning conditions imposed, is Chiltern Railways personally willing to monitor and prepared to enforce any noise, lorry routing, or pollution control, when they have absolutely no interest in freight movements?*

- 3.79 Oxfordshire County Council are responsible for the enforcement of planning conditions, as the local planning authority. Chiltern Railways has no legal enforcement powers. However, Chiltern Railways operations must be carried out in accordance with any planning conditions imposed on the Order.

*Response to Chiltern Railways Proof of Evidence by Paul Tregear **CRCL/P/8/A**  
[OBJ33/4]*

- 3.80 The Objector sets out a number of questions of clarification regarding the evidence of Paul Tregear. The context and question from the Objector are set out and answered below.
- 3.81 The Objector states they still do not accept the evidence of Paul Tregear and believe that the proposed Water Eaton Parkway development will cause severe traffic congestion through Kidlington and Gosford & Water Eaton, especially at peak times.
- 3.82 **Question 1:** *Can Chiltern Railways explain why their traffic analysis and conclusions differ so much from the results and recommendation made at the original Water Eaton Park & Ride plus office development public inquiry, (see OBJ/033/1 in Appendix 3), which led to its refusal and OCC conceding to providing a reduced park & ride development instead?*
- 3.83 The Objector's statement that there has been no detailed traffic assessment of the Order Scheme impacts on the wider highway network is incorrect. The approach and methodology of assessing the road traffic effects of the Order Scheme are described in Chapters 5 and 6 of Mr Tregear's Proof of Evidence (**CRCL/P/8/A**). The technical assessment work has considered the impact of the Order Scheme on the highway network up to the year 2026.
- 3.84 The traffic modelling shows benefits to the road highway network as a whole as the Order Scheme encourages a transfer from road-based to rail-based travel, leading to reductions in vehicular CO<sub>2</sub> emissions. The modelling, reported in detail in **[CD/2.23]** and summarised in section 6 of Mr Tregear's Proof of Evidence, concludes that the impact of traffic on the surrounding highway network, including the Wolvercote, Cutteslowe and Loop Farm Roundabouts and the Peartree Interchange, will be small (**CRCL/P/8/A**, paragraph 6.25) and traffic flows through these junctions generally reduce with the introduction of the Scheme (**CD/2.23**, paragraphs 3.32 and 3.33).
- 3.85 The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.
- 3.86 The Objector states that traffic modelling using COTM is considered as a coarse sift system of the highway links and junction nodes and this requires refining through a more detailed analysis, as explained in OCC/033/1 & 2. The Objector states that both documents also explained the Chiltern Railways traffic analysis covers only a short length of the highway network and does not detail the full local road network. The Objector states that it is also contended that the periods when the Chiltern Railways

traffic counts were taken are unlikely to necessarily represent what can happen at peak times.

- 3.87 **Question 2:** *Can the Council have an assurance that if Chiltern Railways road transport impacts and management prove to be incorrect and cause unacceptable levels of traffic congestion, then are they and Oxfordshire County Council as Highway Authority prepared to give an undertaking, that they will urgently commit priority and finance towards carrying out road improvements to ameliorate any situation resulting from both the Water Eaton Park & Ride and Parkway?*
- 3.88 The traffic modelling, reported in detail in **CD/2.23** and summarised in section 6 of Mr Tregear's Proof of Evidence [**CRCL/P/8/A**], concludes that the impact of traffic on the surrounding highway network, including the Wolvercote, Cutteslowe and Loop Farm Roundabouts and the Peartree Interchange, will be small (**CRCL/P/8/A**, paragraph 6.25) and traffic flows through these junctions generally reduce with the introduction of the Scheme (**CD/2.23**, paragraphs 3.32 and 3.33). It is concluded therefore that further detailed assessment of individual junctions, other than those modelled as part of the S-Paramics micro-simulation modelled, is not required (**CD/2.23** paragraph 3.35).
- 3.89 The S-Paramics traffic model has been built using junction turning count surveys undertaken in June 2009, supplemented by an in/out count at the grain silo/rail aggregates depot access located immediately north of the Water Eaton P&R junction undertaken in July 2009. With reference to Appendices F and G of **CD/2.25** and paragraph 2.39 of [**CD/2.25**], both the AM and PM models are valid against the DMRB criteria guidelines for acceptability.
- 3.90 On this basis the S-Paramics traffic models have provided a robust modelling tool for 'forecasting' future traffic conditions in the modelled network area and for testing the traffic impact of the Order Scheme both in respect of the additional traffic demand and proposed improvements to the local highway network. The outputs from the traffic modelling clearly demonstrate the operational benefits resulting from the proposed new signal controlled junction on the A4165 serving the Water Eaton Bus Park & Ride and new Parkway Station which will be provided by CRCL.
- 3.91 **Question 3:** *Will Chiltern Railways accept and funding and improvements found to be necessary for diverting more traffic around Kidlington to Water Eaton Parkway? And are they or will they be check the traffic modelling to see if proposed direction signing of routes and traffic measures in and around Kidlington & Gosford could improve traffic flow conditions, without being detriment to pedestrian crossing facilities ?*
- 3.92 The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.
- 3.93 **Question 4:** *Has Chiltern Railways given any consideration into examining the traffic stress and environmental capacity of the local road network resulting from this proposed development?*

- 3.94 The entire road network shown on the plan included in OBJ/033/1 (Appendix D, page v of vi) is covered by the technical assessment. Therefore the impact of the Order Scheme on this area of the local road network has been considered.
- 3.95 The Objector states that although Chiltern Railways may have been investigating the potential for sharing car park management control with OCC at the proposed Water Eaton Parkway and Park & Ride site and preparing a potential management strategy, there is nothing mentioned about protecting the streets in their Parish and Kidlington from commuters and passengers preferring to use on street parking and then catching a premium bus service to the station, or on into Oxford.
- 3.96 **Question 5:** *Can the Parish Council have assurances that Chiltern Railways and OCC will be monitoring the on-street parking situation in the villages of Gosford & Kidlington and will urgently address as necessary any problems that are happening through the Parkway and Park & Ride developments?*
- 3.97 The Water Eaton Parkway Management Group (WEPMG) will manage and monitor the operation of the Water Eaton Park & Ride and Parkway Station facility. See **CRCL/INQ/66** for extracts of this agreement.
- 3.98 The entire road network shown on the plan included in OBJ/033/1 (Appendix D, page v of vi) is covered by the technical assessment. Therefore the impact of the Order Scheme on this area of the local road network has been considered.
- 3.99 The Objector states that as passenger marketing strategy covers a large area of Oxfordshire, around to Witney (see **OBJ33/1**), there will be many trips by car in peak traffic times, which would increase traffic congestion on the A40 routings/Wolvercote roundabout/A44 Peartree Interchange/A4260 Frieze Way /Kidlington roundabout/A4165 to Water Eaton Parkway. The Objector states that this situation of trips to and from A40 using A44 for the Water Eaton Parkway will only get worse now that the Government has announced that as part of the financial cut-backs the A40/A44 Wolvercote roundabout bypass scheme for linking the A40 with A44/A34 Peartree Interchange has been shelved.
- 3.100 **Question 6:** *Are the Authorities and Chiltern Railways prepared to work together to provide a park and ride in the Witney area which has a high quality bus service linking to Water Eaton station? And to investigate linking up other park & rides around Oxford to the Water Eaton Parkway?*
- 3.101 Any future proposals to provide a Park and Ride in the Witney area and/or to link up the Oxford City Park and Ride sites are beyond the scope of the Order Scheme and are a matter for the City and County Councils.

*Response to Chiltern Railways Proof of Evidence by Andy Coates* **CRCL/P/10/A [OBJ33/5]**

- 3.102 The Objector sets out a number of questions of clarification regarding the evidence of Andy Coates. The context and question from the Objector are set out and answered below.

- 3.103 The Objector is not satisfied with the evidence given in the proof of evidence from Andy Coates in reply to their objection relating to the demolition of the Water Eaton Grain silo and the effects on wildlife. The Objector states that a correction is necessary in the Parish Council's proof of evidence, because they have now been informed from a prominent local Oxfordshire Ornithological Society (OOS) member that he has observed swallows entering and leaving the grain silo building for at least the last 30 summers and therefore swallows were evidently nesting when the building was operating for business. (Mr John Brucker letter attached).
- 3.104 **Question 1:** *Is Chiltern Railways prepared to design and provide through ornithological experts and to the approval of Oxford Ornithological Society some swallow and swift nests and to build in crevices on buildings, that may help bats as well?*
- 3.105 Chiltern Railway reconfirms their commitment as described in Paragraph 3.14 of Andy Coates's evidence [CRCL/P/10/A] to provide suitable nesting opportunities for swallows. The term "suitable" requires that the nests will be of a type and in a location that will be used by swallows. Chiltern Railway will also consider whether there are opportunities to create opportunities for nesting swifts. The actual form of these nesting opportunities will, however, depend on the final design of the new station buildings and surrounds and on the requirements of Network Rail. The final design of these buildings will be subject to approval by Cherwell District Council.
- 3.106 The Objector states that as a further ancillary design measure it would be useful to provide shallow water/soft mud margins at any proposed surface water drainage swale, or storage ponds and for the existing, or relocated one at Water Eaton Park & Rides, for attracting swallows and house martins to easily find mud material to build nests.
- 3.107 **Question 2:** *Can Chiltern Railways in liaison with OCC incorporate this into the design?*
- 3.108 The existing ponds at Water Eaton are being retained, hence the current opportunities for swallows to obtain mud will remain.
- 3.109 The Objector states that in case swallows prefer to select nesting sites further afield, it would be helpful if some nest boxes were provided on or in farm buildings in this area of Water Eaton. The Objector suggests that these nest box opportunities could be at barns by Pipal Cottage and at Middle Farm and under the viaducts by Northfield.
- 3.110 **Question 3:** *Is Chiltern Railways prepared to give a reasonable monetary grant to OOS, so that ornithologists can use it to carry out a local conservation project with farmers and others, who are willing to have nests provided on their barns not only for swallows, but for other summer visitors as well?*
- 3.111 Chiltern Railway is committing to the provision and funding of new nesting opportunities for swallows, which will be affected by the loss of the silo building. As a result it is not prepared to extend this to wider projects in this area.

- 3.112 The Objector states that there is also concern about the relocation of any aggregate depot in the green belt. The Objector notes that the Chiltern Railways summer and winter bird surveys did not highlight that the arable fields to the north of the Water Eaton Park & Ride and Parkway are nesting and feeding grounds for a variety of special birds.
- 3.113 The Objector states that in Chiltern Railways Statement of Case, paragraph 15.34, states that birds in this area are already accustomed to a degree of disturbance due to the existing railway line and are therefore likely to not be significantly affected by railway proposals. However the Parish Council consider that this would not apply to any proposed aggregate depot in the green belt, where movement and noisy activities associated with unloading trains of stone into stockpile heaps, from unloading machinery and later conveyed into lorries that are coming and going.
- 3.114 **Question 4:** *Why was no ecological assessment carried out for the relocated aggregate depot, was it being treated as a separate ancillary site?*
- 3.115 The site of the relocated aggregate depot lies within the red line boundary for the Scheme. It was surveyed during ecological surveys undertaken as part of the EIA. The habitats recorded on the site are shown in Figure 8.2M in Volume 3 of the ES [CD/1.17].
- 3.116 *Response to Chiltern Railways Proof of Evidence by Michael Fraser CRCL/P/9/A [OBJ33/6]*
- 3.117 The Objector sets out a number of questions of clarification regarding the evidence of Michael Fraser. The context and question from the Objector are set out and answered below.
- 3.118 The Objector states that the Parish Council is not satisfied that Michael Fraser has not included in the Chiltern Railways proposal a noise assessment for relocating an aggregate depot into the green belt.
- 3.119 In the opinion of the Objector the noise assessment for the proposed aggregate depot should be assessed in a different manner. The Objector states that where the ambient environmental noise will vary according to activities taking place and where mobile plant and lorries can be significant noise generators, which varies as positioning changes and from amount of plant being used.
- 3.120 **Question 1:** *Does this lack of noise assessment indicate that the railway sidings are a separate project and should not be in Chiltern Railways TWAO?*
- 3.121 The relocation of the aggregates of is a minor issue in terms of noise emissions, and receptors are currently, and will remain, more than 200 m from the site of the Aggregates Depot. Changes in the location of the depot are not expected to result in significant noise impacts, and it has not been necessary to include this in the ES which is only required to report significant effects of the Scheme. Since the existing grain silo offers only partial screening to the existing aggregates depot, it is unlikely that its removal will significantly change the noise effects at Pipal Cottage

3.122 The Objector states that little comment made about this aggregate depot proposal, except to mention some landscape noise protection bunding around the site, but ERM plan no IMG4.6 in **CRCL/P/11/B** Appendix 4 (illustrative Landscape Proposals) shows only a hedge around the southern and northern perimeters, which does not reduce noise levels.

3.123 **Question 2:** *Will Chiltern Railways concede that this is not a suitable site for relocating an aggregate depot, based on green belt issues and environmental considerations and that there are some other suitable alternative sites, which do less damage, as indicated in the response to Ian Gilder (CRCL/P/12/A)?*

3.124 For the reasons set out in **CRCL/INQ/35** Minerals Industry and Aggregate Depots in Oxfordshire, the proposed relocation of the aggregates site in the Order is considered the most appropriate for a convenient rail aggregates depot to serve Oxford. Paragraph 5.17-5.36 of Ian Gilder's proof of evidence [**CRCL/P/12/A**] considers the appropriateness of development in the Green Belt at Water Eaton. It concludes that the Order Scheme would cause no substantial harm to the Green Belt.

*Response to Chiltern Railways Proof of Evidence by Stephen Barker CRCL/P/6/A [OBJ33/7]*

3.125 The Objector sets out a number of questions of clarification regarding the evidence of Stephen Barker. The context and question from the Objector are set out and answered below.

3.126 The Objector states that firstly it is confirmed that the Parish Council accept that it is recognised that there are safety issues for walkers using footpaths, or the bridle road to cross either the A34, or railway and therefore reluctantly routes require some diversions. The Objector states that the proposed network detailed on the faxed plan from Sarah Goodall of ERM has therefore had to be accepted.

3.127 The Objector states that the relocated aggregate depot is shown on sheet 22 of **CRCL/P/61B2** which extends nearly to the existing Water Eaton bridle road crossing, whereas the Illustrative Landscape Plan shows a much shorter site length. The Objector states that a perusal of the area covering the existing aggregate depot shows that the proposed site is believed to acquire about twice the amount of land and it has not been possible to relate the track diagram to this, except to guess (see attached).

3.128 **Question 1:** *Why does there appear to be this discrepancy and why have there not been any railway track sidings and buildings shown on plans at this stage? Is it because this is a third party proposal?*

3.129 The proposal to relocate the aggregate depot is being promoted by Chiltern Railways because the land presently occupied by the depot and its associated sidings is required for the reinstatement of the second railway track over this section of route and for the construction of Water Eaton Parkway station and the associated car park.

3.130 Sheet 22 of **CRCL/P/6/B2** is based on sheet 22 of the Deposited Plans and Sections [**CD/1.9**]. The land identified on this sheet as being associated with the Rail

Aggregates Depot includes the land required for the sidings (Work No. 6), depot yard, buildings and fixed plant and, if required, an earth bund to screen the depot. It also provides sufficient space to allow for the earthworks required to bring the depot level with the sidings.

- 3.131 The new depot will replicate the existing facility and will not incorporate any permanent buildings – the necessary accommodation will be provided by means of portable buildings as is the case on the current site. The exact location of these portable buildings is yet to be finalised.
- 3.132 The “Indicative Landscape Plan” to which the Objector refers is intended to give an idea of the type of landscaping that could be applied to the station and depot sites. In order to show the station site in enough detail, the depot area has been shortened in this drawing. This is not meant to imply that the depot will be the size shown on the drawing.
- 3.133 The exact extent of the relocated depot will be determined during the detailed design work. This work will seek to minimise the amount of land required for the relocated depot which in any case will not exceed the area indicated on sheet 22 of **CD/1.9**.
- 3.134 The Objector states that while Michael Fraser states in his proof of evidence that noise protection will be provided around the proposed relocated aggregate depot there are only hedges shown on the illustrative landscape drawing in Appendix 4 of **CRCL/P/12/B**.
- 3.135 **Question for 2:** *Has there been any design of noise barriers for this proposal and how they can viably be fitted in with the proposed landscape hedging?*
- 3.136 Given the distance from the site to the receptors and the fact that noise emissions are not expected to change significantly no design of noise barriers has been considered necessary. However, the operator will need to consider site layout and mitigation to avoid any increase in disturbance to offsite receptors.
- 3.137 The Objector states that it would appear from Stephen Barker’s evidence that the acquiring of the area shown on sheet 22 **CRCL/P/6/B/2** is not necessary for constructing the Chilterns Railways railway improvements between Bicester and Oxford.
- 3.138 **Question 3:** *Can it be confirmed that the Chiltern Railway improvement can be constructed without acquiring this land take for the relocated aggregate depot, which is considered as a separate entity?*
- 3.139 One of the two sidings associated with the present aggregate depot site occupies the alignment of the proposed reinstated second track of the Order scheme. The remainder of the depot occupies land required for the proposed Water Eaton Parkway station and the associated car park. The scheme can therefore only go ahead if the depot is relocated. The relocation of the depot is integral to the scheme and cannot be considered in isolation.

- 3.140 The Objector is concerned that once the Order Scheme is operational it will be economically impossible to carry out any future flood protection measures which involve modifying the railway structures.
- 3.141 **Question 4:** *Has there been any engineering design checks, or investigations carried out into analysing a variety of scenarios involving severe Cherwell Valley rain storm events and how the various roads and railway cause restrictions to flooding and to determine, as what percentage each contribute? Also has there been any measures considered that will be necessary to provide upstream storage for preventing the flood defences at Kidlington being overtopped in the future and Chiltern Railways prepared to contribute towards upstream flood protection?*
- 3.142 The Order scheme preserves the size and number of opening beneath the railway viaducts and therefore does not worsen the situation with respect to flooding. It is not the Promoter's responsibility to instigate or fund flood relief schemes.
- 3.143 The Objector states that the highway improvements indicated in Stephen Barker's evidence are restricted to the immediate single traffic signalised junction into Water Park & Ride and Parkway area.
- 3.144 **Question 5:** *Has there been any thought, or work to investigate the need for other highway improvements around the local, road network? (see TRL road network in OBJ/033/1 in Appendix D p v of vi). For instance i) for changing the priority from A4260 Banbury Road to Kidlington for the priority becoming A4260/ A4095 Upper Campsfield Road for diverting traffic as per following the existing OCC signing for the Water Eaton Park & ride? (see OBJ/03311 Appendix D in p v of vi), or ii) For linking up the traffic signalised junctions through Kidlington (shown on OBJ/033/1 in Appendix D p vi of vi), to improve through-flow control, without being detrimental to pedestrian crossing movements?*
- 3.145 The conclusions drawn from the assessment work are that suitable highway mitigation measures have been included as part of the Order Scheme to ensure that vehicular traffic from the Order Scheme will be satisfactorily accommodated on the local highway network.

#### **4 Conclusion**

- 4.1 This rebuttal proof responds comprehensively to the written evidence presented by the Objector.
- 4.2 The aggregates depot at Water Eaton has been fully assessed in the environmental and planning statement, particularly with regard to visual, noise, ecological, flood risk and green belt impacts. For the reasons set out in this rebuttal, the transport assessment is considered robust and the need for the relocation of the aggregates depot is demonstrated.

Appendix A

CRCL/R/OBJ33

Relevant Correspondence  
between Chiltern Railways  
and the Objector



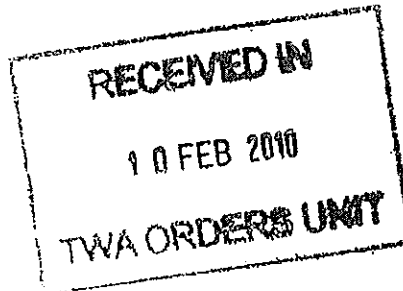
## GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way  
 Gosford  
 Kidlington  
 Oxon  
 OX5 2LJ

Tel/fax : 01865 374236

8 February 2010

To : The Secretary of State for Transport  
 Department of Transport,  
 TWA Orders Unit,  
 Zone 1/31,  
 Great Minster House,  
 76 Marsham Street,  
 London  
 SW1P 4DR



Dear Secretary of State

Transport & Works Act 1992  
 Transport & Works (Applications and Objections Procedure) (England and Wales)  
 Rules 2000

**CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER**

Under Rule 13(8)(j), the Parish Council has been served notice about the above and have examined the documents listed in the letter sent to the Parish Council by Eversheds (Ref: SANDERK/119788-010009/1), for the above Application.

After considering the scheme proposals and finally discussing matters at the 2 February 2010 Council meeting, it was RESOLVED to make an OBJECTION to the above Application. The Council's Statement and list of Objections is attached for your consideration.

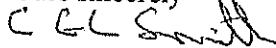
While accepting the railway scheme in principle, the Council has objected to a number of issues which are found to be unacceptable. Briefly, these are to do with relocating the aggregate depot and part of park & ride periphery road into the green belt at Water Eaton; over the fact that the Chiltern Railways Traffic Impact Assessment underestimates the existing and future traffic conditions & need to examine if the Parkway can be made smaller. Also it is considered that there is not enough information or work carried out on such matters as current predicted River Cherwell flood analysis, noise & landscaping issues.

As Secretary of State you are respectfully reminded, that the original Water Eaton Park & Ride site with, or without an Office development containing a joint single

A4165 traffic signalled access was recommended in 1999 for refusal by the public inquiry inspector. This refusal was on the grounds of being detrimental to the green belt & landscape and would cause some significant harm to the traffic conditions and therefore to road safety on parts of the local road network. These recommendations were accepted by the Secretary of State and in recognition the developing Authority down-sized the Park & Ride design to deem themselves planning consent and then constructed it.

The green belt, landscape & traffic circumstances that existed in 1999 still prevail today. Therefore the Parish Council consider that the Application by Chiltern Railways before you for such a major scheme is just as detrimental to the green belt and contains far more car parking than the originally proposal mentioned above, that was turned down. It is believed this creates a precedence for you to have reservations about these railway proposals and can agree to call for a public inquiry.

Yours sincerely



(Mr) C. G. L. Smith  
Clerk to the Council

GOSFORD AND WATER EATON PARISH COUNCIL

STATEMENT ABOUT OBJECTIONS MADE BY GOSFORD AND  
WATER EATON PARISH COUNCIL TO THE CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS) TRANSPORT AND  
WORKS ACT ORDER

Date : February 2010

STATEMENT AND OBJECTIONS BY GOSFORD AND WATER EATON  
PARISH COUNCIL TO THE CHILTERN RAILWAYS (BICESTER TO  
OXFORD) TRANSPORT AND WORKS ACT ORDER APPLICATION

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GOSFORD AND WATER EATON PARISH COUNCIL

TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales)  
Rules 2000

CHILTERN RAILWAYS TRANSPORT AND WORKS ACT ORDER  
APPLICATION

STATEMENT AND OBJECTIONS BY GOSFORD AND WATER EATON  
PARISH COUNCIL TO THE CHILTERN RAILWAYS (BICESTER TO OXFORD  
IMPROVEMENTS) ORDER

INTRODUCTION

The Parish Council has been served notice by Eversheds LLP acting on behalf of the Chiltern Railways Company Limited, who have applied to the Secretary of State for Transport for the Proposed Chiltern Railways (Bicester to Oxford Improvements) Order under Sections 1 & 3 of the Transport and Works Act 1992.

This Parish of Gosford and Water Eaton covers a large area between the City of Oxford and Kidlington and it has open countryside of some historical importance which forms part of the "green picture frame" around this University Town.

Over many past months representatives from the Parish Council have attended consultation meetings and exhibitions over Chiltern Railways proposals to upgrade the Oxford to Bicester railway line and provide parkway station facilities. Whilst accepting the railway improvements in principle, there are some matters of concern. From Chiltern Railways consultation proposals available at the time and displayed, this scheme was discussed in general terms with Parishioners at the last Annual Parish Meeting and an endorsement was given to proceed over the issues of concern raised.

The Council's Statement is as a result of all these discussions and on 2 February 2010 it was RESOLVED to make some OBJECTIONS to this Chiltern Railways Transport and Works Order based on a number of issues and requiring more information and details about the scheme, and how it affected the Parish.

Although it has not been easy to read through the numerous documents submitted by Chiltern Railways within the allocated time-scale, the following Statement made by the Parish Council and on behalf of Parishioners is set out below. This Statement covers the topics of concern and raises objections which can be clearly followed and fit appropriately into the referenced Chapters in the Chiltern Railways Application Statement. These topics in this Council Statement are not necessarily listed in any order, or in any level of importance, are as follows :-

## 1) Green Belt

In general the Parish Council support the Oxford Green Belt policies as set out in the Oxfordshire County Structure Plan and follow-up Cherwell District Local Development Plan. However it is recognised that certain work has to be carried out along the Oxford to Bicester railway corridor. The concerns in the Parish is to ensure that the network of footpath routes are retained, even though some may end up being eventually acceptably diverted ; that there will be no significant sized developments permitted to stray into the Green Belt, or cause ugly views in the countryside. This includes concerns over relocating the railway siding aggregate depot and about any moving of the existing park & ride boundaries out into the Green Belt to accommodate any new length of proposed periphery road. These items are discussed further later in the Statement.

There is also a concern about Grundons having been granted planning permission for a waste recycling separation centre on the Water Eaton grain silo site and in the Council's view could eventually come to fruition and end up being relocated out into this vulnerable narrow green belt gap, separating the built-up areas of Kidlington/ Gosford and Oxford. This is also discussed further later in the Statement.

The Parish Council find any Station, or Parkway or other developments which are not contained within the boundaries of the existing railway and grain silo site to be unacceptable and cannot be justified under Green Belt policies.

## 2) Traffic

It is noted that the Water Eaton siding/ silo traffic signalled junction is proposed to be closed and traffic diverted on down to the existing Water Eaton Park & Ride traffic signalled junction. The traffic signals on this proposed single junction arrangement on the A4165 will have to serve the following :-

- Cater for existing Water Eaton Park & Ride of 850 cars spaces,
- Accommodate Bus services / taxis / passenger drop-offs,
- Service Water Eaton Station Parkway of 842 car parking and 75 motorcycle spaces,
- Be an access for relocated aggregate deport estimate at 100 lorry movements,
- Premium bus lane priority through-running to City from Kidlington & Bicester.
- Cater for existing well used cycle and footway route to Oxford with Toucan Xing,
- Cater for substantial ever increasing traffic flows in both directions along A4165.

It is noted that as demand increases at the station Parkway that this car park could be decked and increased to at least 1,032 spaces, which the Parish Council would find unacceptable.

It should also be noted that many car parking spaces, particularly in the park & ride are likely to be reused a number of times during any working day. This existing parking facility could also be eventually decked to increase the number of spaces as was indicated at the Examination in Public of Oxford City Council's Local Plan, despite

any such proposal being opposed by this Parish Council.

All these traffic matters increase congestion along the A4165 and can lead to grid-locking the local road network. Therefore all issues described below need to be taken into account in Chiltern Railways Traffic Impact Assessments.

i. There are a series of drawings and figures presented in Chiltern Railways Statement to show that there should not be a traffic congestion problem on the local roads through the Parish and in particular at the single A4165 traffic signalised junction. However, it does acknowledge that under the present conditions traffic queues at AM peak times can extend back from the park & ride to the Kidlington roundabout. But from local observations this is not the end of the story, which is considered to be an under estimate by Chiltern Railways of the existing traffic problems. In actual fact not only does the Kidlington roundabout become congested, but queues can stretch back into Garden City service road, along the A4260 Oxford Road to sometimes beyond the old Bicester Road junction and there are queues on the C43 Bicester Road. This road network is very sensitive to any changes in road layout, or increases in traffic use. A recent example is given about Parish consultations with Oxfordshire County Council over a C43 bus lane, which resulted in some traffic counts being taken. The County Council then approved the scheme and went ahead to provide a new bus lane by using one traffic lane along a short length of dual carriageway approaching Kidlington roundabout. This resulted in such severe traffic congestion problems and complaints from drivers, that it soon had to be abandoned.

The Parish Council therefore cannot see how the doubling, or more of car parking demand will not lead to similar, or more severe traffic capacity movements and congestion for this A4165 traffic signalised junction and along a much larger road network. It can be acknowledged that there should be traffic reductions due to less car commuters coming from the Bicester area and there will be a reduction in the all-red period by proposing a single traffic signalised A4165 junction, rather than the present two. However, any such relief will soon be replaced and traffic levels expanded by those drivers attracted to the station from around Oxford and surrounding rural villages in this part of Cherwell and West Oxfordshire, who will want to commute to London. The query is about what percentage of traffic generation has been taken into account in Traffic Impact Assessments and does it include expected vehicle growth from future major development proposals contained in Cherwell District Council and Oxford City Local Development Plans, as well as including for annual national, or larger County traffic growth rate forecasts for a design life of 15 years ?

ii. Besides concerns over needing to examine traffic capacity for the local highway network links over a wider area, there is also the problem about capacity at other junctions. On this issue, guidelines were set at a public inquiry held in 1998 for the original Water Eaton Park & Ride and a proposed office development on the grain silo site, where a similar single traffic signalised junction was examined as one of the options. This resulted in the eminent Inspector reporting to the Secretary of State about his concerns, that Oxfordshire County Council had under estimated the future traffic flows in the area for their Traffic Impact Assessment and that the proposals

would cause some significant harm to traffic conditions and road safety on the local road network. Now that the Water Eaton Park & Ride has been in operation for a number of years the Parish Council endorses these concerns expressed by the Inspector as being justified. Extracts from the Inspector's report to the Secretary of State are enclosed in the Appendix, where he recommends a refusal on traffic grounds.

Therefore if proposed traffic flows are significantly increased along to this A4165 traffic signalised junction, then it will result, especially at peak times in far more regular traffic congestion problems stretching back along A4260, going beyond Oxford Road Bicester Road junction, long queues along C43 to Kings Arms junction, with severe congestion on the Kidlington roundabout, with long queues along A4260 Frieze Way, and likely congestion at A40 Cutteslowe roundabout.

iii. Following on from ii. above, in the Chiltern Railways Traffic Statement the traffic flow predictions appear to rely on using SATURN and the Oxfordshire County Council's Oxfordshire Transport Model (COTM) and there has been some localised traffic counts taken on roads near to the A4165 Park & Ride / Parkway junction. In fact their Statement mentions about all modes of travel in the wider context. However there is little information about how the base traffic flows are made up. For instance is the peak flow taken as a balanced average? Does it take into account the significant monthly traffic variances which happen through the year? Does it take into account school and university term times in particular "school runs" & traffic movements from the two universities? What (as already mentioned) is the percentage of growth rate and generated traffic from the substantial amount of Cherwell Local Development Plan and other County developments proposed? What larger part of highway network will be influenced by commuters using the railway scheme? If all of these issues are not included and taken into account, then it would cause a significant under estimate of the traffic and for other transport input data used in Chiltern Railways TIA.

iv. Within the train passenger assessment, the Council is unclear about what amount of passenger usage is taken into account by those coming to the site by car. As mentioned in Chiltern Railways Statement, there will be major railway disruption for many years to come on the Great Western line to Paddington due to London Crossrail and major railway works at Reading & Oxford. This could alter passenger preference for commuting between Oxford & London, therefore what assessment has been carried out to determine the size of the Parkway car park and whether it could be made smaller either now, or in the future by getting more people to come in by bus rather than by car? Who is the Parkway for and what market area does it serve? Does the traffic impact assessment include for traffic generated by any Chiltern Railways proposal to relocate the aggregate depot?

v. The Parish Council is unable to check, or run sophisticated transport and traffic modelling computer programmes, but from past and present experiences are sceptical about the Chiltern Railway Traffic Impact Assessment and S-Paramic Traffic Modelling Outputs, which may amount to little more than a very localised rule-of-thumb overview and an under estimate for their limited local road network diagram TIA coverage near to the A4165 junction. The Parish Council claim

that this could lead to a similar under estimate being perpetuated from the public inquiry into the original Park & Ride and proposed Office development mentioned in ii. above and repeated again. At this public inquiry the Transport Research Laboratory were commissioned by Cherwell District Council to examine their concern over traffic conditions. From the TRL carrying out their own TIA for a much larger road network they demonstrated that there would be traffic congestion problems stretching back over a much wider area than was covered by Oxfordshire County Council and causing internal rat-running. The Inspector accepted the TRL's recommendations in their conclusions, which is enclosed along with a comparison between the TRL and Chiltern Railways TIA road network diagrams in the Appendix.

vi. The Parish Council would like to know more about traffic assignments and assumptions made (if any) in the design checking of the existing road network link capacities that contain many pelican crossings and signalised and other junctions. For a detailed Traffic Impact Assessment the traffic model needs examining from using PICADY & OSCADY (for priority & traffic signalised junctions respectively) and ARCADY (for the Kidlington & Cutteslowe roundabouts).

If more information is needed on traffic details from the original public inquiry, then both Cherwell District Council and the Transport Road Research Laboratory should have this Traffic Assessment information.

vii. Besides traffic movements affecting the capacity of the proposed single signalised A4165 junction serving the Park & ride and Parkway, there will be delays caused by express buses heading into Oxford on the dedicated bus lane. These buses will be given priority for changing the traffic signals which will cause delays. It should also be noted that taxis can use bus lanes which will add to delays at these traffic signals. The Parish Council is unclear about how and what effect this will have on the all red delay that results in reducing traffic capacity at this junction.

The Parish Council consider that there should be much more traffic and transport information made available and investigations carried out over a much larger road network and to examine the Parkway marketing area.

### 3) Road Route Signing

Besides the above and during the public inquiry into the Water Eaton Park & Ride, there was a significant emphasis placed by Oxfordshire County Council over route signing to and from the Park & Ride site. This was used in traffic modelling purposes for assigning traffic capacity to the County road network and for modelling junction capacities. The Parish Council would like more information on these matters and how they influence any Traffic Impact Assessment. This seems to be being ignored by Chiltern Railways in their limited TIA highway network.

Thus other road links and junctions need Traffic Impact Assessing over the network, along with including this proposal for a specified period suggested as 15 years. These are : A4260 Oxford Road between Bicester Road and Crown Road, A4260 Banbury

Road from Crown Road to Langford Lane, Langford Lane between A4260 & A44, A4260 Langford Lane to A4095 staggered junction, A4095 Upper Campsfield Road to A44, A44 Bladon roundabout, A44 Woodstock Road to Loop Farm roundabout to divert back up via A4260 Frieze Way to Kidlington roundabout. The TIA should also include examining the internal roads as well as around the assigned road network.

This would then be compatible for comparing with the arrangements examined at the original Water Eaton Park & Ride public inquiry and in the Inspector's Report to the Secretary of State, at that time. However, in reality and as acknowledged by the Inspector and the Parish Council can confirm that this County signing arrangement does not seem to have an effective influence on traffic flows through Kidlington and this Parish.

#### 4) Feasibility of an A34 / A4165 Link ?

The Parish Council would like to know, if during the preliminary design stage for the scheme, whether there was any consideration given to proposing a direct road link between the A34, or via a route onto the A4165 to access the site, even if it is an ingress only to the Parkway / Park & Ride. The Parish Council also believe there could be other feasible solutions available for Chiltern Railways to have explored for providing an access to the site.

#### 5) Park & Ride v Parkway & On-Street Parking Problems

The Parish Council is unclear about whether there will be car parking charges for the Parkway, as against the neighbouring Park & Ride being a free car park. This could lead to railway commuters preferring to park in the free park & ride, which is already well used by commuters to Oxford City and JR Hospitals/ Headington areas. From present observations the park & ride site can become full at times.

An on-street parking concern for the Parish Council, is that some commuters to Oxford prefer to park in local streets that are close to premium bus routes along the Oxford Service Road, or in other nearby streets and in Kidlington. They find this an easier journey in the morning by catching a bus on these frequently run premium bus services into the City, which saves time because the buses use the provided dedicated bus lanes, whereas car commuters have to queue for Kidlington roundabout and onto the park & ride site. Such on-street parking where cars can remain parked in streets for most of the working day causes a nuisance for residents and can be a road safety problem. All of this is being further exacerbated by Oxfordshire County Council's policy for extending City street parking restrictions under their Oxford Transport Strategy. Despite complaints and objections made by the Parish Council when the County Council published the Oxford on-Street Parking Traffic Orders. However, the County Council's Environment Committee did agree to monitor the situation over these parking problems caused in villages that are on City bus routes, but this issue has never been address. If car park charging policies are implemented at the station Parkway, then this on-street parking problem can only get worse.

## 6) Bus Routes to the Station

Although the Chiltern Railways Transport Statement provides bus routing details, there is still concern that the whole scheme is being treated as a localised destination to this Water Eaton station and bus routes through to Oxford, whereas passenger commuters will be coming from areas surrounding Oxford. In which case the Parish Council suggest there may be merit in examining the feasibility of having a high quality bus service(s) around the Oxford ring road to link up with all park & rides around the City and Water Eaton Station. Such a proposal could use advanced electronic signing messaging to guide drivers to the nearest park & ride on the route from where their journey started from, who could then quickly catch a circular bus route on round to the Water Eaton Station. Such a proposal could relieve traffic not only on the existing local road network, but also on the Oxford ring road. A photocopy of a previous exhibited OCC plan is enclosed in the Appendix, which shows the location of Park & Ride sites around Oxford and their links with the perimeter road network routes to County towns, for illustrating how this suggested proposal might be feasible.

## 7) Size of Water Eaton Parkway

The Parish Council question the need for such a large number of car parking spaces at the Water Eaton Parkway, when the policy is to reduce private car travel for reducing traffic congestion and CO2 emissions, by encouraging travelling by bus, or alternative green modes of transport.

It is queried and more information is required about who the Parkway is to serve and what commercial market area does this railway scheme supposed to cover? And it is suggested from the above, that by having better bus services around the City ring road Park & Rides, with linking connections from roads serving County growth towns, the Parkway might only require half the number of car spaces planned.

There is certainly a need to check the car parking requirements further for determine what size it should be that can to achieve and accommodated a reasonable balance against an acceptable traffic capacity on the road network.

## 8) Parish Footpaths

It is noted that OCC FP no. 229/10 that crosses the North Oxford golf course will be provided with a railway foot-overbridge crossing and this should maintain the circular Kidlington/ Gosford/ Water Eaton circular walk around the villages.

It is noted that OCC FP no. 229/4 which extends from the end of Water Eaton Lane and across the A34 and railway will be closed at the A34 boundary fence and diverted in a southerly direction along in the field outside of the A34 western fence line, until it meets up with the A4165 footway.

Regarding BR 229/5, this is a right of way, which is considered as a Bridleway open to certain traffic and has a concrete, or metalled surface for road vehicular use. It crosses the railway and it is noted that this route will be closed at the Water Eaton railway crossing, along with the demolition of a private road overbridge leading to Northfield Farm. Instead this will be replaced with a combined new overbridge crossing of the railway at a position roughly between the two closure locations mentioned and the existing BW, and private road links will be respectively diverted to join up with it.

At present it is noted that BW no. 229/5 crossing of the A34 agricultural overbridge is well used by cars, lorries, delivery vehicles and farm machinery destined to & from Northfield farm and cottages, but there can be problems where this bridge is considered not wide enough to cater for modern day farming machinery and delivery vehicles & lorries, while also catering for the safety of walkers. This fact needs taking into account in the design process with an agreement between farmer users and land owners, so as to ensure any combined bridle road overbridge is not only commodious enough for farm use, but also for safety of walkers.

For the OCC BW no 229/5 crossing of the railway and associated diversionary routes, it is considered that the layout could be made more compact and taken nearer to the railway boundary, so as to avoid splitting up valuable countryside fields to such a large extent.

#### 9) Landscaping

It is noted that some of the proposed structures could be intrusive into countryside views, the Parish Council wish to have an undertaking to be consulted and participate in proposals for tree planting and other landscape planting measures. The Parish Council would be against the removal of any existing trees, hedge rows or other existing landscape features that were not necessary for essential railway corridor work, and the wildlife & countryside legislation must apply.

#### 10) Noise & Vibration

It is noted that noise monitoring locations are at Pipal Cottage, Middle Farm Cottage and Northfield Farm cottages. However, especially during construction and depending on working hours there could be noise heard much further away at other places, especially during the night, when there is less background noise from traffic etc. The Parish Council would like an undertaking to confirm that they will know about addressing any such noise problem that might occur, by means of a complaints procedure set up in place before work commences. This should include Cherwell District Council's Environmental Health Officer who should be available to participate and carry out noise measurement checks, and if necessary take any action required under the relevant noise pollution legislation.

Similarly procedures need to be in place to cover any problems from vibration.

Besides the Oxford to Bicester railway line proposals, there are concerns about day to

day noise that can be associated with machinery employed to unload train wagons of aggregate at the Water Eaton railway sidings. This is discussed later.

#### 11) Lighting

The proposals for lighting are noted, along with proposals to light station car parks and if construction work takes place at night then this might cause a light pollution nuisance problem. Similarly to procedures over noise the Parish Council would expect to know about a complaints procedure in place before work commences and for Cherwell District Council's Environment Officer to become involved and if necessary to take appropriate action.

It needs confirming that all proposed permanent lighting will be provided with designed cut-off lanterns for illuminating railway facilities, so as to prevent overspill light polluting out into the countryside. Such cut-off lanterns need to be adjustable in case any problems occur after completion of the scheme.

#### 12) River Cherwell Flood Plain

It is noted that near Northfield area the railway line crosses over the River Cherwell on a bridge and uses viaducts to cross over the flood plain and a Mill stream. The railway proposals indicate that the river bridge remains, while the viaducts are strengthened. However, the Parish Council has concerns over severe flooding problems for the River Cherwell, where in Easter 1998 parts of urban areas in Kidlington (Queen's Avenue/ Cherwell Avenue/ Mill Street & Mill end) and in Gosford ( Kingsway Drive/ Lovelace Drive/ by C43 Bicester Road) were flooded. There is now a new housing development named Bramley Close to the east of C43 Bicester Road on the edge of the flood plain.

Although the Environment Agency has provided extensive flood defences, in Summer 1997 the River Cherwell flood came close to over-topping them. Recently the Environment Agency has updated their Flood Map based on having better prediction data and criteria for assessing future severe weather conditions caused by climate change and other information. This reviewed Flood Map extends the flood plain area and is described further below. The Parish Council therefore want to know more about the involvement of the Environment Agency over this railway proposal and about their input in giving future flood forecasting advice and assessing any flood impact that might be caused by the railway crossing acting as an obstruction in this flood plain. It is considered that this information is required now under the design process and necessary, because if any future flood problems did occur as a result of the railway, then it could be very expensive, or virtually impossible to ameliorate. Therefore this investigation is required at this planning stage and measures implemented during construction. The question is asked about whether there are any proposals, or Environmental Agency advice given about implementing any improvements to increase future flood water flows through bridge and viaducts on the railway and to avoid flood water from backing up towards Kidlington & Gosford ?

It is noted in the Chiltern Railways Statement that the impact on flooding at the railway crossing in the flood plain has been assessed for 1 in 100 years flood event. However, at the end of December 2009 the Environment Agency announced that they had a statutory responsibility for flood risk management, flood defence and to support the planning system. This required an update of their Flood Map based on more accurate information and updating it from 1 in 100 years to a 1 in 1,000 year flood event and it has been published.

The Parish Council is very concerned about the occurrence of future flooding in the Parish and consider that Chiltern Railways need to also update their Flood Risk Assessment to compare with the Environment Agency's new Flood Map for a 1 in 1,000 year flood event and propose measures as necessary to increase flood storage and capacity for preventing future flooding in the Kidlington area and at Northfield/ Middle Farm / Water Eaton Manor areas.

#### 13) Surface Water Drainage at Water Eaton Station & Parkway

The Parish Council note that the proposals will significantly increase the impermeable area over the railway site and this will cause a significant amount of surface water run-off during wet periods. More details are required about the surface water proposals and dealing with any polluted water run-off from the Parkway.

It should be noted that there are already concerns about flooding in the Water Eaton area, where severe flooding from the River Cherwell can come close to flooding houses in the Middle Farm and Water Eaton Manor areas, which are closest in the flood plain and near existing ditches systems.

#### 14) The Existing Railway Sidings & Relocation of Aggregate Depot

There is a concern about the existing aggregate depot being relocated further up in a northerly direction and into the green belt. For a long time the Parish Council has complained that this depot created unwanted noise from activities caused by unloading aggregate from wagons, has a dust problem while tall heaps of aggregate can be seen in the landscape. The Parish Council consider that the present operator (Hansons) suddenly took over the site without planning permission and have declined to sign and be bound by a legal planning agreement, because they claim their activities are a continued use

The Parish Council disputed this claim and made a complaint to Oxfordshire County Council that this depot required planning permission for unloading/ stock piling and delivering aggregate from the site, because this area was once railway sidings and the original operators (Amey) had left the site many years ago. Since Amey abandoned the site, parts of it have been the subject of a number of other approved planning uses that were implemented, being : as a garage/ repair business ; as a contractor site depot for bridge works ; as a road & duct work site office & storage facility ; as a skip hire depot and a series of these uses prevailed over many years. All this the Parish Council claim is evidence to show that there has not been a continued use as an aggregate

depot and these other planning permissions had been approved that over-ride the Hanson claim, even if they are associated with the original Amey. Therefore they required a formal planning permission for an aggregate depot. To further substantiate this fact, it was recognised in 1999 by the County Council in dealing with a prospecting operator (Tarmac), who entered into detailed negotiations with them to establish an aggregate depot. They prepared plans of their proposal, along with planning statements and a draft legal agreement.

However, Tarmac eventually did not proceed with the planning application and more recently Hanson suddenly moved onto the site. As mentioned, despite the Parish Council complaining and providing evidence to the County Council about other approved planning uses this Strategic Minerals Planning Authority has declined from take any enforcement action, although it is understood that they did make contact with Hanson and invite them under a planning challenge to prove their establish legal right for claiming a continued use. As far as the Parish Council is aware this invitation has been ignored.

In the past the Parish Council has had to complain about noise, where sometimes in the early mornings the thumping of excavation machine grabs hitting bottoms of wagons caused a problem. The Parish Council is also concerned about lorry loads of aggregate being delivered to places in the north of the County, or further into the Midlands, that can travel through Gosford along the A4260 and C43, which creates noise, exhaust pollution and traffic congestion. The Parish Council object to there being no heavy lorry route agreement in place, or fixing site working times and other planning matters, because there is no means of stopping these lorries from continuing to pollute the village streets and adding to traffic congestion or carrying on working unsociable hours.

The Parish Council is therefore against Hanson being able to continue at the railway sidings, or for any proposal to relocate the aggregate depot into the Green Belt. It is considered that this is inappropriate development and contrary to Green Belt policies, especially when it is considered that there are other appropriate sites available elsewhere.

#### 15) The Proposed Waste Recycling Separator on the Water Eaton Grain Silo Site

It is noted that Chiltern Railways recognise that Grundons have an interest in the grain silo site for a proposed waste recycling centre. However, as has already been pointed out, Grundons have planning permission for these waste recycling proposals, where the silo is demolished and virtually the footprint of the whole site becomes a waste reception & separation centre building.

The Parish Council is concerned that this proposal could eventually be implemented, with the end result being that this site could also end up being re-sited alongside any aggregate depot, if the later was permitted to be relocated though the railway scheme. This would further eat into this narrow green belt gap and would be totally unacceptable.

#### 16) Proposed Periphery Road Around Existing Park & Ride

The Parish Council find the proposal for a new periphery road around the existing park & ride unacceptable. This road seems to require moving back the existing boundary fence in some places to be relocated further out into the green belt. Besides this being unacceptable, it cannot be justified under Green Belt policies. Especially when the proposed internal road layout could be modified to service the station Parkway, without intruding into this vulnerable narrow green belt gap between Kidlington / Gosford and Oxford.

#### 17) Demolition of Water Eaton Grain Silo & Wildlife

The grain silo was built as part of the nations food measures to store grain during the second world war and it is believed that there are now very few of these types of building left in the Country.

In later years it was used to store high quality grain and processing for the brewery industry, but after the year 2000 the reinforced concrete structure was considered to have become unsafe and was closed not long after. It was not long before some birds took over parts of the building to nest in it. One bird in particular that nests in the building and gains entry through broken windows into the building and also into a separate outbuilding, are swallows. The Parish Council would wish for a conservation project to be actioned in accordance with the Wildlife & Countryside legislation to help support swallows and other such summer nesting visitors.

#### 18) A Statutory Query

It is understood that the Traffic and Works Order Application is being considered by the Secretary of State and it is assumed that this will be the Minister for Transport. However, the Parish Council consider any part of the scheme which encroaches into the Green Belt as being an environmental matter. In fact it is clear that the actual railway scheme consisting of Station, Parkway and rail improvements can be achieved within its own right and that the relocation of the aggregate depot is a separate ancillary matter and must be dealt with under the relevant and different planning legislation and covering Green Belt policies. Therefore this would be a matter for a Secretary of State responsible for Environmental Affairs.

The Parish Council is concerned to ensure that transport interests do not dominate and take preference over the Oxford Green Belt policies accepted by the Government.

## GOSFORD AND WATER EATON PARISH COUNCIL

### A CONCLUDING SUMMARY OF GOSFORD AND WATER EATON PARISH COUNCIL'S OBJECTIONS

#### a) The Green Belt

The Parish Council OBJECT to any part of the proposed scheme encroaching into the Green Belt and the scheme must be retained within the confines of the existing railway sidings and grain silo site. These Green Belt polices must take precedence and are being contravened by proposing to relocate the aggregate depot from out of the railway sidings and into neighbouring countryside. This must be classed as being an inappropriate development proposal and not part of the railway scheme, especially when there are other sites available at other more appropriate locations.

#### b) Traffic, Transport & Car Parking

The Parish Council OBJECT to the fact this proposed scheme creates more traffic congestion and pollution and should not go ahead without a much more detailed Traffic & Transport Impact Assessment that is carried out over a much wider area and to determine the extent of the commercial marketing area for the Parkway. There is also a need to submit fuller detailed proposals for ensuring the highway network is not adversely affected and to examine down-sizing the Parkway, so that the number of car park spaces and demand can be balance up within an acceptable level of traffic capacity on the local road network.

#### c) Landscaping & Appearance

The view of the site will be seen from the Parish Circular Walk and to protect this setting there is a special case to provide extensive planting and landscaping to screen it from being seen in this open countryside. As the Station and Parkway will be illuminated there needs to be more information given and an undertaking made to prevent any light pollution from spilling out into the countryside and more information is needed about scheme noise. The Parish Council therefore make an OBJECTION about not knowing enough details about these proposals.

#### d) Flooding

The Parish Council is very concerned that Chiltern Railways has not investigated enough details into the problems caused by peak flooding conditions. An OBJECTION is therefore made that their flood study needs to include an update of the Environment Agency's 1 in 100 year flood map to assess the railway scheme for a 1 in 1,000 year flood event, and propose measures for preventing flooding problems occurring upstream in the Kidlington / Gosford areas and down stream at Northfield, Middle Farm & Water Eaton Manor areas.

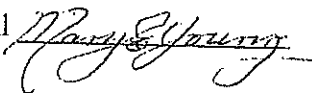
e) Statutory Query & Objection

The Parish Council is in a quandary about which Secretary of State is going to consider and direct on this Transport and Works Order for the Oxford to Bicester Chiltern Railways Scheme. In the case of Transport issues, it is presumed this will be a matter for the Transport Minister, but as the scheme encroaches into the Oxford Green Belt, then surely this is a matter for a Minister dealing with Environmental affairs ?

The Parish Council expect the Minister responsible to be unbiased in these matters and will seriously take their comments and objections into account.

This formal Statement sets out the concerns forming the Parish Council's OBJECTIONS, but may be modified in the light of receiving more information and details from Chiltern Railways that may, or may not be found to be acceptable.

Signed by Chairman of Gosford & Water Eaton Parish Council



Signed by the Clerk & Author

CGL Smith C. Eng MICE

Dated 2/2/2010

GOSFORD AND WATER EATON PARISH COUNCIL

APPENDIX TO STATEMENT ABOUT OBJECTIONS MADE BY GOSFORD  
AND WATER EATON PARISH COUNCIL TO THE CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS) TRANSPORT AND WORKS  
ORDER

APPENDIX

Contents

- 1) Introductory Notes About the Public Inquiry into the Original Water Eaton Park & Ride & Office Development on the Grain Silo Site.
- 2) Photocopied extracts from the Transport Road Research evidence given at the above.
- 3) Photocopies extracts from the Inspector's Public Inquiry Report about his findings for the above that were submitted to the Secretary of State
- 4) The OCC location plan of Park & Ride sites with ring road around Oxford. that could link up with the Parish Council's suggested bus routes.

(2)

TRANSPORT RESEARCH LABORATORY

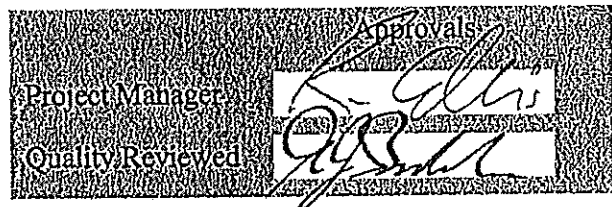


PUBLIC INQUIRY DOCUMENT CH2

LAND ADJACENT TO THE GRAIN SILO AND TO A4165, BANBURY ROAD, NORTH OF OXFORD

Proof of Evidence by Bob Collis, Prepared for Cherwell District Council

November 1998



- 4.16 TRL recommended that, in order to accommodate traffic flows which would result from the proposed Park and Ride site into the future, measures should be sought to reduce traffic flow through Kidlington and to improve conditions for local traffic, pedestrians and cyclists.

#### Conclusions - Matter 4

- 4.17 It is concluded that the County Council's Traffic Impact Assessment is inadequate because:-

- assumptions over traffic generation are unsubstantiated by survey work;
- no account has been taken of transfers from existing public transport services;
- the assessment has not taken account of the two phases of development;
- assumptions over trip distribution for Park and Ride are unsubstantiated by survey work;
- the traffic models have not been validated to demonstrate that they replicate existing traffic conditions;
- no account has been taken of the interaction between junctions in congested traffic conditions;
- the TIA did not cover junctions to the north of Old Bicester Road in Kidlington.

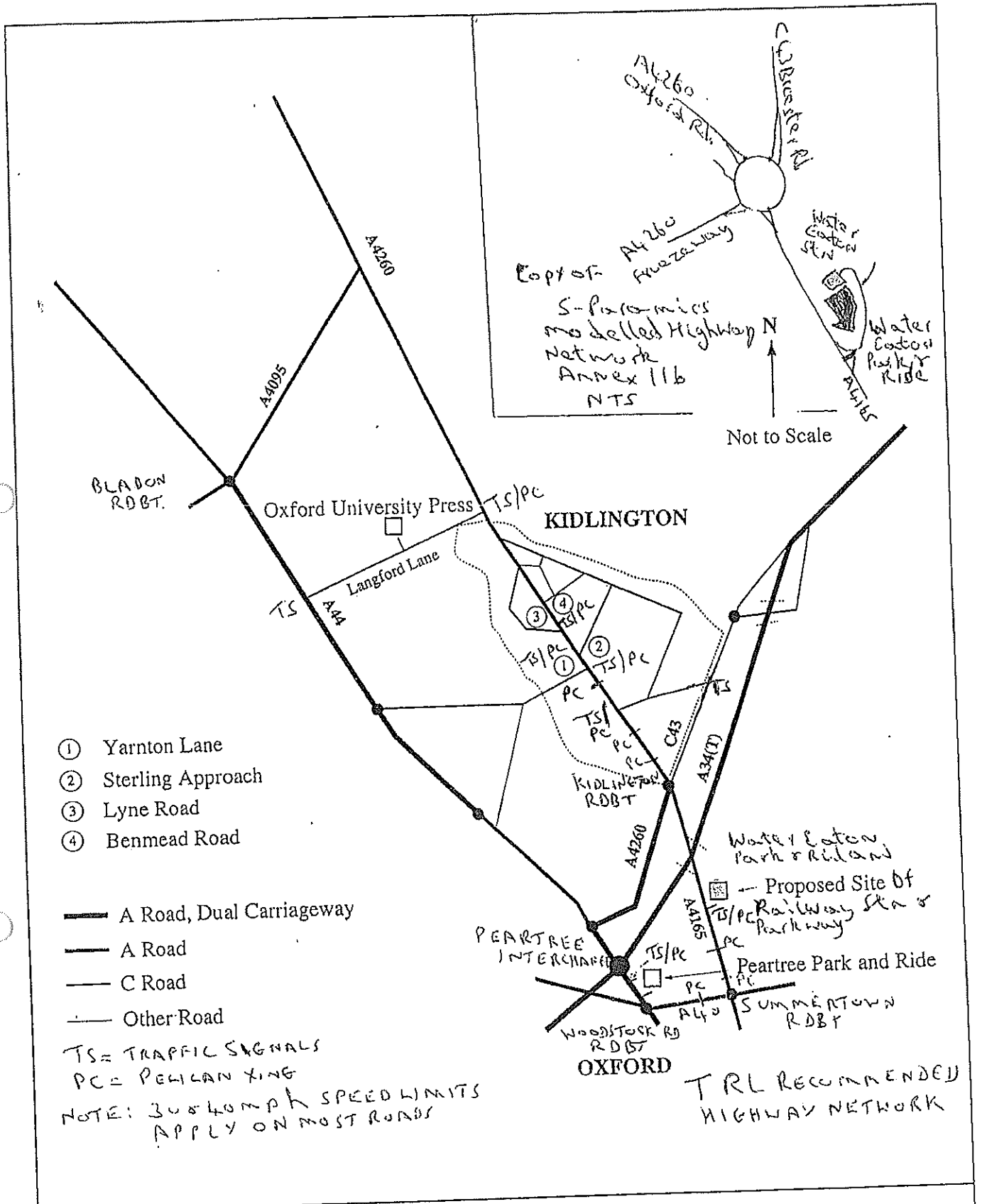
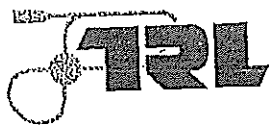


Figure Number: 1

Title: Location of Cherwell District Council's Study

Date: November 1998



#### Matter 4

- 5.9 In considering the impact of the traffic generated by the proposed development on the roads and amenities in the area, I conclude that, because there has been an inadequate assessment of the 'market' that would be attracted to the site, the assumptions made over trip generation and distribution, are also inadequate. As a result, the impact of the site on the local highway network cannot have properly been evaluated in terms of the amount of increased traffic flow and delays that would occur, or the area over which there would be a significant effect.

#### Recommendations

- 5.10 It is recommended that the Applications be refused because the proposed scheme is premature in the absence of a full assessment of the impact that Park and Ride has on travel over the wider network, in the context of the transport policies of the District's Local Plan, the County Structure Plan and current Government Transport Policy.
- 5.11 It is further recommended that a County-wide Strategy be developed, which takes account of the true 'market' for Park and Ride and its effect both on private vehicle and public transport travel. Furthermore, a site selection process which takes account of these wider issues and 'weighs' the relative benefits and disbenefits of each site option in a systematic and thorough way, should be adopted when considering the need for a new Park and Ride site. In this way, the true value that Park and Ride at Banbury Road would add to a sustainable transport strategy for the County would be fully understood.



# The Planning Inspectorate (3)

EXTRACTS

An Executive Agency in the Department of the Environment,  
Transport and the Regions, and the Welsh Office

## REPORT ON

### TWO CALLED-IN APPLICATIONS

### FOR A PARK AND RIDE CAR PARK

BY

### OXFORDSHIRE COUNTY COUNCIL

Inspector : J I McPherson JP BSc DMS CEng MICE MIWEM MIMgt

Inquiry Dates : 1-4, 8-11, 16 & 17, 22 & 23 December 1998 and 5-8, 12 & 13, 20 & 29 January 1999 with Site Visits on 15 December 1998 & 21 January 1999

References : GOSE/103/003/OXON/001  
GOSE/103/003/OXFO/003  
APP/C3105/A/98/291530

4.14.19 The demand for spaces at the new site was revised slightly downwards after the preparation of the TIA and, in that respect, the TIA will tend to over-estimate the traffic impact in the area (4.1.64). In my view however, this effect will be very small in comparison to the likely under-estimation of future traffic growth.

4.14.20 Even though I cannot put a figure on the extent, I consider the TIA probably under-estimates the future traffic flows in the area. I will go on to consider the traffic situation as portrayed in the TIA, but at the same time bear in mind this conclusion.

#### - Traffic Flows

4.14.21 I note that the opening of the A34 and the M40, some years ago, considerably relieved the then traffic congestion on Banbury Road through Kidlington, and past the site down to the Cutteslowe Roundabout (4.1.76, 4.5.14). Nevertheless, the acceptability of the likely future traffic conditions should be judged on their own merit and not on past conditions.

4.14.22 The TIA assumed that only half of the additional traffic from the north of Kidlington and beyond, would pass through Kidlington on the A4260(N), Banbury Road, with the rest being directed by traffic signing to the west of the town, and accordingly accessing the site by way of the A44 and the A4260(W) to the Kidlington Roundabout (4.1.76, 4.4.15). On the other hand, it would be a shorter, more direct route through Kidlington, and journey time surveys have also shown it to be significantly quicker. Like the Gosford and Water Eaton Parish Council, I therefore see little prospect of many drivers being successfully deflected from this route by signing; that is once they became regular users of the site (4.4.15, 4.5.14).

## Assessment of Conclusions on the Park and Ride Schemes

4.14.116 In summary, I view the proposals as being generally in line with national and local transport policy, and I do not consider that there is a requirement to await any further County-wide transport strategy.

4.14.117 I conclude that I have no major concerns about the effects either of the Park and Ride proposals would have on air quality or wildlife, and my concerns about possible archaeological remains could be overcome by the use of a planning condition.

4.14.118 Taking a wider view, I consider the proposals to be reasonably sustainable.

4.14.119 It seems to me unfortunate that the historic hedgerow and ditch line crossing the site should be harmed and that some harm would also be caused to the appearance of the surrounding landscape which is particularly recognised for its landscape value.

4.14.120 I have much greater concern about the effects that increased traffic would have on the congestion and highway safety of the local road network. I also consider either of the proposals would result in a very significant loss of openness representing a major urban encroachment in this narrow section of the Green Belt. This would be seen as consolidating the development on the adjoining land thereby leading to urban sprawl and a tendency towards the coalescence of the built up areas of Kidlington and Oxford.

4.14.121 In order to continue the policies of the Oxford Transport Study, I am satisfied that there is likely to be a demand for some 750 to 800 Park and Ride spaces in the near future to the north of Oxford. The schemes are of course for

1,000 spaces, rather more than the demand. Whilst I acknowledge this level of need might be considered adequate to outweigh the harm that would be caused to the other material considerations, I do not consider it sufficient to represent the very special circumstances necessary to allow this major development in a very sensitive part of the Green Belt, especially with the prospect of a reduction in demand in the foreseeable future.

4.14.122 The above conclusion relates to both Park and Ride schemes. I accept that the Combined Scheme would be somewhat less damaging to the Green Belt and to the appearance of the landscape, but I see little prospect of it being implemented without the associated B1 Office Development, which I will consider later in this report.

## Overall Conclusion on the Park and Ride Schemes

4.14.132 Subject to any further matters which arise from my consideration of the B1 Office Development proposal, I intend to recommend that both Park and Ride schemes be refused planning permission.

## 6. COMBINATION OF A PARK AND RIDE SCHEME AND THE B1 OFFICE DEVELOPMENT

6.1 All the relevant cases have been set out in the preceding sections. I will therefore proceed straight to my conclusions.  
*(In my conclusions, the numbers in brackets indicate the preceding paragraphs where the relevant information can be found).*

### Access

6.3 Because the office development includes a joint access with the Combined Park and Ride scheme (5.1.4), that is the access which would be approved and the existing access would be redundant. However, I have already assessed this access and found it acceptable and no further consideration is necessary (5.8,39).

### Traffic

6.4 I considered the adequacy of the TIA in some detail in the section of this report which deals with the Park and Ride schemes. I concluded that it probably under-represented the likely traffic generation and that either of the Park and Ride schemes would cause some significant harm to the traffic conditions on parts of the local road network. (4.14.20, 4.14.40). Given that conclusion, the addition of the extra traffic from the office development would make the situation that much worse. Accordingly, I consider the joint traffic generation from the two schemes is likely to have a material detrimental impact on traffic congestion already experienced at peak periods on the local road network; in particular on Banbury Road at the Kidlington Roundabout and further south to the site access, and also perhaps at the Kings Arms junction on the C43 (4.14.24, 4.14.25, 4.14.32).

167

### Conclusions on the Combination of the Office Development with one of the Park and Ride Schemes.

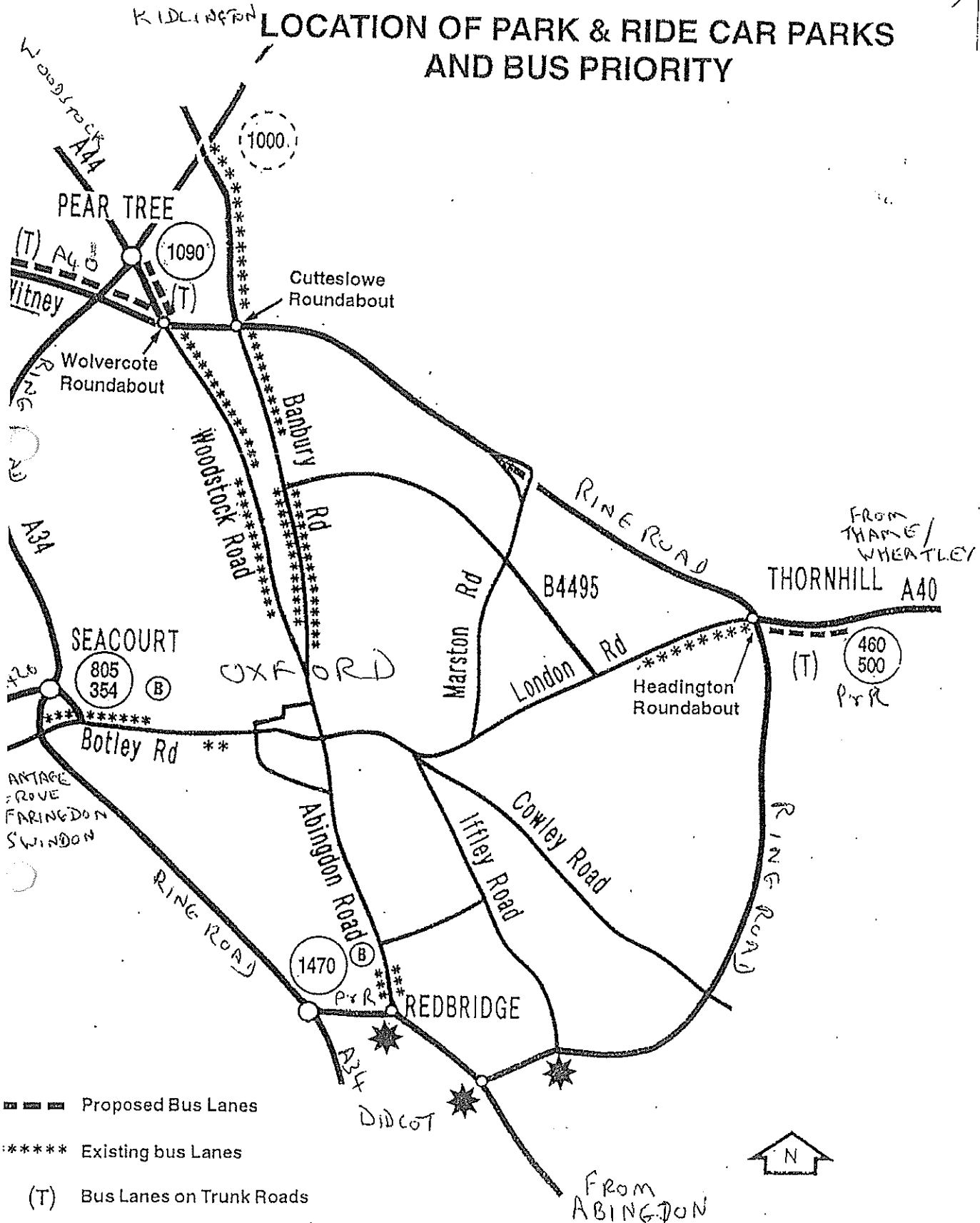
6.14 I conclude that to allow the office building and also the Combined Park and Ride scheme would reduce the harmful effects of the Park and Ride Scheme on the Green Belt and on the appearance of the landscape, and there could be some benefits to the sustainability of the office proposal from improved bus services, the long term possibility of a GTR connection and/or rail halt, and the recycling of rubble from the demolition of the silo. Other than this, I consider the supposed advantages to have very little weight and the combination of the two schemes would significantly add to the traffic congestion at peak periods in the area. I do not therefore see any reason to change my view that the Park and Ride Schemes should be refused and the B1 Office Development should be dismissed.

169

BICESTER  
M40

APPENDIX OX1. 1 (4)

# LOCATION OF PARK & RIDE CAR PARKS AND BUS PRIORITY



- Proposed Bus Lanes
- \*\*\*\*\* Existing bus Lanes
- (T) Bus Lanes on Trunk Roads
- ( ) Proposed Park & Ride Car Park
- (460/500) Park & Ride Car Parks to be enlarged
- ★ Ring Road Junction Improvements
- (B) Bus pre-signal facility installed or proposed

OXFORDSHIRE  
COUNTY COUNCIL  
**Environmental Services**  
Caring Countywide

DATE NOV '98 SCALE: \_\_\_\_\_  
DRAWN BY J.M.E. CHALK ES0150



INVESTOR IN PEOPLE



OXFORDSHIRE  
COUNTY COUNCIL

ENVIRONMENT & ECONOMY

www.oxfordshire.gov.uk

33

Mr C Smith  
Clerk to Gosford & Water Eaton Parish  
Council.  
132 Cromwell Way  
Gosford  
Kidlington  
OXON  
OX5 2LJ

Speedwell House  
Speedwell Street  
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Tel: 01865 815700  
Fax: 01865 815085

9<sup>th</sup> March 2010

email: [chris.hodgkinson@oxfordshire.gov.uk](mailto:chris.hodgkinson@oxfordshire.gov.uk)

Please ask for: Chris Hodgkinson

Direct line: 01865 815042

Dear Mr Smith,

**Unauthorised development of Aggregate Railhead at Gosford Sidings.**

I am writing following John Hamilton's letter to you of the 22<sup>nd</sup> February 2010 regarding unauthorised development of an aggregate railhead at Gosford Sidings.

Firstly, I apologise for allowing matters to slip and not bringing my investigations into the use of the sidings by Hanson's to a conclusion. The Council now has a method of recording enquiries electronically so that enquiries can be properly monitored and concluded.

I can confirm that I visited the railhead on 2<sup>nd</sup> March 10 and have written to Hanson's today. Once again I have asked for them to submit either;

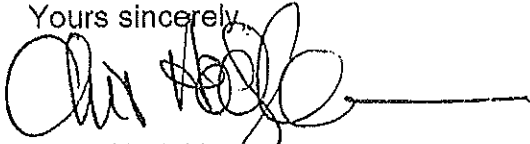
- a) a planning application for the export of aggregate by road; or,
- b) the submission of a 'Certificate of Lawful Use or Development Application' for the continued use of the site as it is. This will require the submission of evidence that the export of aggregate by road is long established and exempt from planning control.

I appreciate that this has not moved things much further forward. However, given the passage of time I am obliged to give Hanson's a further opportunity to become compliant. I have asked Hanson's to respond to me before the end of March 2010.

Continued:

Finally, I am away from the office over Easter but will write to you again on my return, during the week commencing 12<sup>th</sup> April 10, with an update. In the meantime, if I can be of any further assistance please contact me at the above address.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Hodgkinson', followed by a horizontal line extending to the right.

Chris Hodgkinson,  
Senior Planning Enforcement Officer.

cc John Hamilton, Team Leader Development Control, OCC.

GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way  
Gosford  
Kidlington  
Oxon  
OX5 2LJ

Tel/fax: 01865 374236

14 March 2010

To Department of Transport : For attn. of Secretary of State for Transport

*you ref: TWA/10/APP/01/085/33*

Dear Angela Foster

TRANSPORT AND WORKS ACT 1992 (TWA)  
APPLICATION FOR THE PROPOSED CHILTERN RAILWAYS (BICESTER TO  
OXFORD IMPROVEMENTS ) ORDER

Thank you for your letter ratifying the Parish Council's objection to certain matters about the above.

For further information, the Parish Council has been corresponding with Oxfordshire County Council over the Water Eaton railway sidings aggregate depot operations having a valid planning permission to operate as an aggregate depot. On this basis, I enclose a photocopy of a letter received from the Oxfordshire County Planning Enforcement Officer, which is self explanatory on this matter.

I would be grateful if you can make the Secretary of State for Transport aware of this important OCC letter.

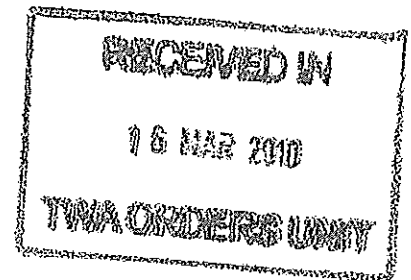
The Parish Council question, that if this existing aggregate depot did not have a valid planning permission to operate on this activity in the first place at Water Eaton railway sidings, then would it not be an unlawful act for the Secretary of State to then knowingly go ahead and approve this site relocation into the green belt, as part of the above railway scheme ?

Yours sincerely



(Mr) Carl Smith

Clerk to the Council



33

13<sup>th</sup> May 2010

Mr C Smith  
Clerk to Gosford & Water Eaton PC  
132 Cromwell Way  
Kidlington  
OX5 2JL

*Direct lines*  
Telephone 07802 886132  
Facsimile  
Email [ian.gilder@erm.com](mailto:ian.gilder@erm.com)

*Our Ref: 0110147 OBJ 33*

Dear Mr Smith

*Chiltern Railways: (Bicester to Oxford Improvements) TWA Order Application*

Chiltern Railways has been sent a copy of your letter to DfT of 14<sup>th</sup> March 2010, in respect of the aggregates depot. As I am sure you know, Chiltern Railways, as promoters of the TWA Order, are expected to respond to all objections and, if possible, seek to resolve them before the Public Inquiry takes place.

I was, of course, aware of the Parish Council's concern whether the existing aggregates by road is a lawful use. This is clearly a matter for the County Council, as minerals planning authority, to pursue with Hansons, as set out in Chris Hodgkinson's letter of 9 March.

I can, however, respond to the final paragraph of your letter to DfT. Chiltern Railways has, as part of the TWA Order application, applied for a new planning permission for an aggregates depot on the land to the north east of the present site. This application, if granted, would include the export of aggregates by road, as at present. It will be a matter for the Inspector at the public inquiry to recommend whether planning permission should be granted and for the Secretary of State to make a decision based on that recommendation. Since this is a planning application for development in the Green Belt, the Secretary of State will, of course, have to take the Green Belt policies in PPG2 and the Local Plan into account in reaching a decision. It would not be, as you suggest, unlawful for the Secretary of State to decide to grant that permission, even if Hanson's are unsuccessful either in convincing the County Council that the existing use is lawful or fail to secure the grant of a planning permission for the present use.

I hope that this is helpful in clarifying the posting in terms of the Chiltern Railways application. If I can assist further please contact me again.

Yours sincerely

Ian Gilder  
Head of Planning  
ERM  
*For an on behalf of the Chiltern Railway Company Ltd.*

*c.c. C Hodgkinson, Oxfordshire CC*

## GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way  
Gosford  
Kidlington  
Oxon  
OX5 2LJ

Tel/fax : 01865 374236

7 July 2010

TWAO ref: TWA/10/APP/02/OBJ/33

To : Chiltern Railways PI Programme Officer

Dear Helen Wilson

**T&WA 1992 APPLICATION FOR PROPOSED CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS) ORDER**

**PUBLIC INQUIRY**

Thank you for your letter dated 28 June 2010 and I refer to Angela Foster's letter dated 17 June 2010 and referenced as above.

Although it is appreciated that at this stage is not the time to discuss individual case statement, it may be the time to express procedural concerns over items and issues being examined and being considered by the Secretary of State, under this Chiltern Railways TWAO. On this matter the Parish Council for many months has been expressing concerns in writing to Angela Foster and to Oxfordshire County Council about the planning legality of the Secretary of State being able to consider the proposal to relocate the aggregate depot at Water Eaton Railway sidings, out into the Oxford Green Belt.

The point that the Parish Council is making, is that it is assumed that Chiltern Railways are being treated as a Statutory Undertaker for the proposal to upgrade the railway and relocate the sidings by way of this TWAO. However from investigations and advice which is also mentioned in the booklet sent on TWAOs, these procedures being dealt with at the coming public inquiry is considered **MUST BE ONLY** for Operational Land to improve the railway.

The Parish Council does not accept that the existing aggregate depot falls into the category of being operational land, because the aggregate depot company Hansons are a third part and unloading trains of stone as a commercial enterprise which is not associated with the railway operations, either at present or in the future. In fact it is considered from correspondence with Oxfordshire County Council, that Hansons do not have planning permission to be in the railway sidings for this land use and the

---


Parish Council has been pressing that enforcement action is taken against them.

The procedural issue is therefore, that the Parish Council is concerned that the Inspector at the Public Inquiry should not be hearing evidence about relocation an aggregate dept that does not have planning permission ; is against Green Belt Policy and that the Secretary of State is not legally entitled to make the TWAO for relocating this aggregate depot for the benefit of a third party, using it as a future commercial enterprise not associated with operating the railway improvement.

I am sending copies of this letter to Oxfordshire County Council, Cherwell District Council (as Local Planning Authority), Angela Foster at TWAO Unit and Nicola Blackwood who is the Council's MP and should soon be meeting the Chairman of Chiltern Railways.

I return your questionnaire duly completed, but would appreciate to keep the Council's options open at this stage.

Yours sincerely

  
Carl Smith C. Eng. MICE  
Clerk to the Council

Nicola Blackwood MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Carl Smith  
Parish Clerk  
Gorsford and Water Eaton Parish Council  
132 Cromwell Way  
Gosford  
Kidlington  
Oxfordshire  
OX5 2LJ

12 August 2010

Dear Mr Smith,

Further to your recent correspondence I enclose for you a copy letter received from Chiltern Railways, dated 15<sup>th</sup> July, regarding your concerns.

Mr Dare, the Strategic Development Manager, has endeavoured to provide responses to the points which you have raised in your letters to me, and I would be grateful if you would let me know what you and the Parish Council thinks of his response.

I look forward to hearing from you in due course.

Yours sincerely -

Nicola Blackwood

Nicola Blackwood MP  
Member of Parliament for Oxford West and Abingdon

*Member of Parliament for Oxford West & Abingdon*

Tel: 0207 219 7126 Email: [nicola.blackwood.mp@parliament.uk](mailto:nicola.blackwood.mp@parliament.uk)

# Chiltern Railways

Marylebone Station, Great Central House, Melcombe Place, London, NW1 6JJ

Telephone: 07771 612286  
Facsimile: 0207 333 3018

Nicola Blackwood, MP  
House of Commons  
London SW1A 0AA

15<sup>th</sup> July 2010

Dear Nicola

## **Chiltern Railways' new route to Oxford**

It was good to meet with you last week.

I promised I would provide more details on some of the matters that we discussed:

### **Water Eaton Stone Depot**

The railway at Water Eaton is part of the railway authorised by the Oxford & Bletchley Railway Junction Act, 1846, and modified by the Buckinghamshire Railways Act 1847. The railway was opened to "Oxford Road" (i.e. Water Eaton) on 2<sup>nd</sup> December 1850, and the freight depot was opened either at the same time or very shortly thereafter. Over the years the site (technically, "Oxford Banbury Road Sidings") has been used for a variety of bulk traffics, including coal, grain and stone, with the main activity always being the unloading of rail wagons, storing material until needed, and then dispatching it by road. The stone traffic commenced in 1973, although as with all freight business the operation has not been continuous but has instead varied according to local market demands.

The depot is designated a "Strategic Freight Site" under the terms of the 1993 Railways Act. This means it cannot be closed without the permission of the Office of Rail Regulation, and following consultation with freight operators; it is highly unlikely that such permission would be given. It is also safeguarded in the 1996 Oxfordshire Minerals & Waste Local Plan, as saved by the Secretary of State in 2007.

In summary, the depot is part of a railway authorised by Parliament; has been in existence since long before the various planning regulations; and is protected by more recent legislation.

Chiltern Railways do not operate freight services, and as such we have no interest in the stone depot *per se*. However, as the depot is both in current use and is designated under the 1993 Act, etc., we believe we are required to provide for its future operation, hence our proposals as part of the overall Water Eaton Parkway station scheme.

## **Water Eaton Parkway layout**

A plan of the proposed station is attached. All of it is in the green belt, but most of the land is "brown field". As you will see, we basically propose to redevelop the area between the north-western edge of the existing bus park & ride site and the railway, with railway car parking on the old grain silos site. The platforms and disabled parking (which must be near the station entrance) will occupy the site of the stone sidings, so these will be moved to the north-east, abutting the parking area.

The road junction between the park & ride approach road and the A4165 will be remodelled, with a single junction replacing the two existing ones. (This is facilitated by our relocating the stone depot, as this enables us to abolish the road leading to the existing site.) The simplified layout and signal controlled operation will improve the junction efficiency and enable it to not only accommodate the additional traffic associated with the Scheme but also to reduce the existing queues experienced on the A4165.

## **Road traffic surveys**

We are preparing plans showing where our proposals will increase - and in many cases decrease - traffic on key roads in Oxford, Kidlington and surrounding areas. I will send you copies as soon as these are available in a user-friendly format.

## **Noise in the Lakeside/Wolvercote area**

As mentioned, we carried out noise surveys and modelling in this area as part of our Transport & Works Act submission. We are now undertaking further detailed impact predictions to establish the extent of future noise impacts, taking into account the spread of noise with and without noise barriers.

## **Aristotle Lane foot crossing**

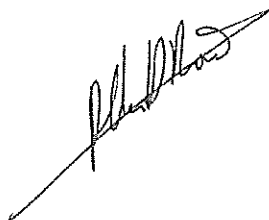
You mentioned concerns that we might close the crossing before undertaking the proposed improvements to the adjacent bridge, the path leading to Port Meadow, and the link into the Trap Ground allotments. However, I can confirm that our Transport & Works Act application includes a specific provision that we will not close this crossing before the replacement facilities are operational. We expect that work at Aristotle Lane will be undertaken very early in the project. We do not yet have a specific timetable for this, but would be happy to discuss the emerging programme with the Allotment Association.

## **Site visits**

You mentioned that you might like to visit Water Eaton and other sites, so as to get a better feel for our proposals on the ground, and I would be happy to arrange this.

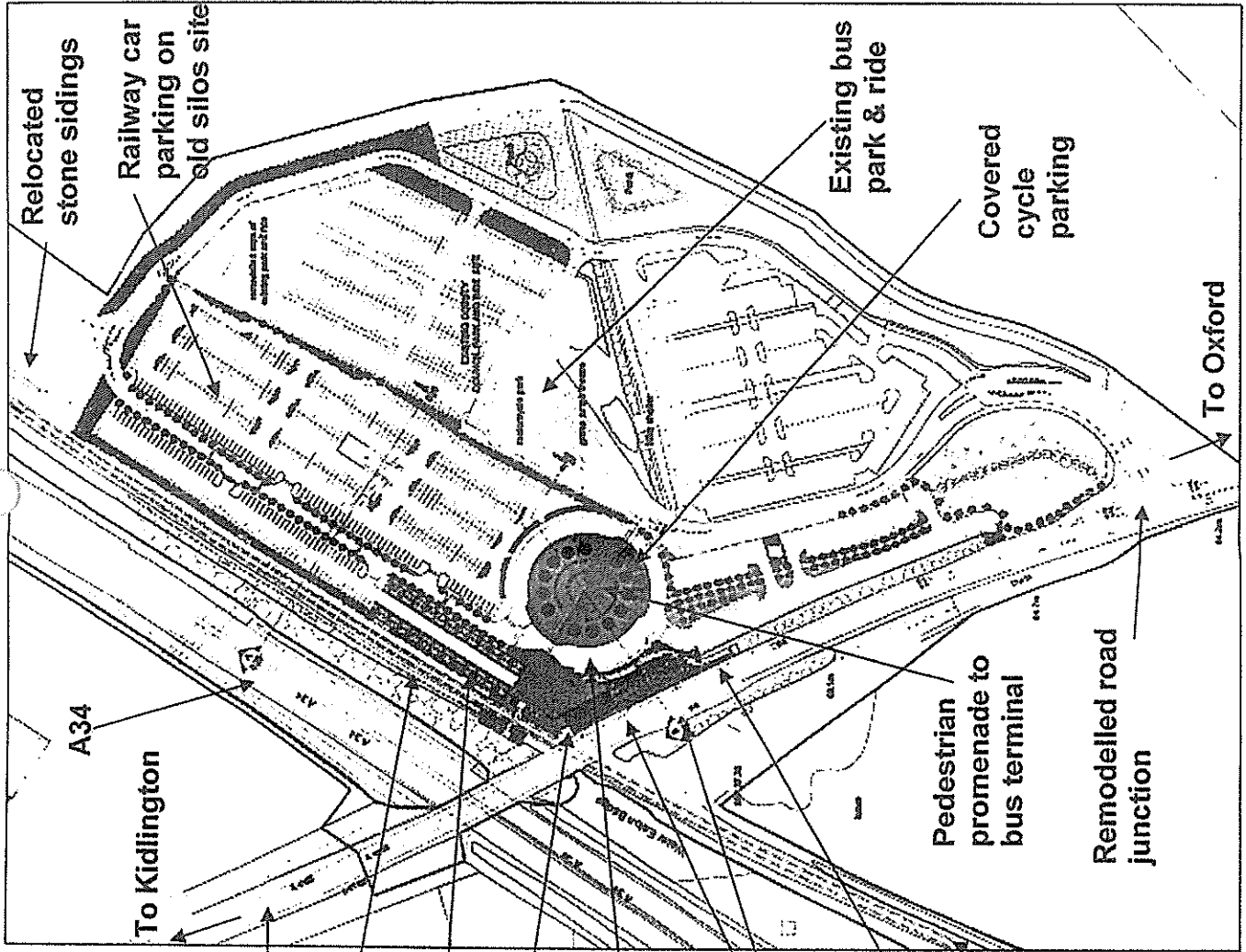
I hope the above is helpful - please let me know if you need any more information, or would like to explore any of the issues in more detail.

Yours sincerely



Allan Dare  
Strategic Development Manager

# Water Eaton Parkway - layout



A4165

2 platforms

Disabled parking

2-level station building

Pick-up/drop-off

Local bus stops and bus layby

Pedestrian crossing and step-free ramp

Railway

GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way  
Gosford  
Kidlington  
Oxon  
OX5 2LJ

Tel ; 01865 374236

23 August 2010

To Helen Wilson (Programme Officer)

Dear Helen Wilson

CHILTERN RAILWAYS PRE-INQUIRY MEETING

Further to the above I am not sure yet whether a representative will be able to attend the pre-inquiry meeting being held on the 7 September 2010, therefore I am writing this letter just in case. Unfortunately I am not yet on e-mail, but the above fax can be used..

The Parish Council met on the 3 August to discuss their evidence to be presented at the public inquiry and would be grateful if you could confirm the format is acceptable.

- 1) That the statement and objections made from the consultation period can be circulated to parties as main evidence, but there will be an additional rebuttal over some issues in the recently received Chiltern Railways Statement of Case. A Parish Council representative, which possibly might be myself will appear to clarify points in verbal evidence.
- 2) The verbal evidence presented in person will be to clarify parts of the circulated statement and expand on items where necessary that are found to be unacceptable to the Parish Council and form the subject of their objections.
- 3) In order to save time the Parish Council is prepared to accept where others have objected on the same issues that these items can be presented jointly, but would like to reserve the right to add any additional points.
- 4) The Parish Council would wish to reserve the right cross examine representatives of Chiltern Railways, where considered necessary.
- 5) Although it is appreciated that the Pre-Inquiry meeting is not the time to hear evidence, but under procedural matters the Parish Council would wish the Inspector to know and consider about the relocation of the aggregate depot to the north of Water Eaton railway sidings, as falling outside the remit of the Bicester to Oxford Railway Improvements Transport & Works Act Order and public inquiry. This is because it is a separate commercial enterprise being run by a private company (Hansons) for their commercial gain and is therefore not a transport matter falling within the Order Act. I enclose some ongoing correspondence on this matter which is self explanatory for the Inspector to consider.

Yours faithfully   
Carl Smith ( Clerk to the Council)

GOSFORD AND WATER EATON PARISH COUNCIL

132 Cromwell Way  
Gosford  
Kidlington  
Oxon.  
OX5 2LJ

31 August 2010

To Nicola Blackwood MP

Dear Nicola Blackwood

CHILTERN RAILWAYS : NEW ROUTE TO OXFORD

Thank you for your letter dated 12 August 2010, with attached letter from Mr Dare, the Chiltern Railways Strategic Manager.

Having considered Mr Dare's comments, the response is as follows :

1) While accepting that part of the railway function is to transport goods by rail, it still has to be recognised under planning legislation that a proposal for such a large commercial undertaking such as an aggregate depot for modern day transferring facilities onto road requires planning permission. Although the existing railway sidings site is safeguarded in the Oxfordshire Minerals & Waste Local Plan, this does not include expanding such a site out into the green belt and all reference and accompanying OCC minerals policy Plans are for the existing site.

2) The Oxfordshire County Council's Planning Enforcement Officer has confirmed a while back that Hansons do not have planning permission to operate an aggregate depot on the existing site and they have unreasonably declined at the OCC invitation in 2006/7 to apply for planning permission, or at least to apply for a "lawful development certificate". Mr Dare in his letter acknowledges that Chiltern Railways does not operate freight services and as such has no interest in the stone depot. He has therefore confirmed that the relocation of the aggregate depot is a separate issue to the railway improvement and therefore it must fall outside of the remit of the Chiltern Railways Transport & Works Order Act.

Mr Dare enclosed in his letter to you a reduced scale coloured plan showing the Water Eaton Parkway Layout, where there is a reference at the northern top end to relocating the stone sidings. Although most of the parkway area may be on "brown field land", the relocated aggregate depot is not. On this basis I enclose an approximate 1/2500 scale plan on which is shown hatched the substantial area which is believed will be taken by the relocated aggregate depot.

I have also attempted to measure the area of the existing railway sidings, where an

300

400

500

600

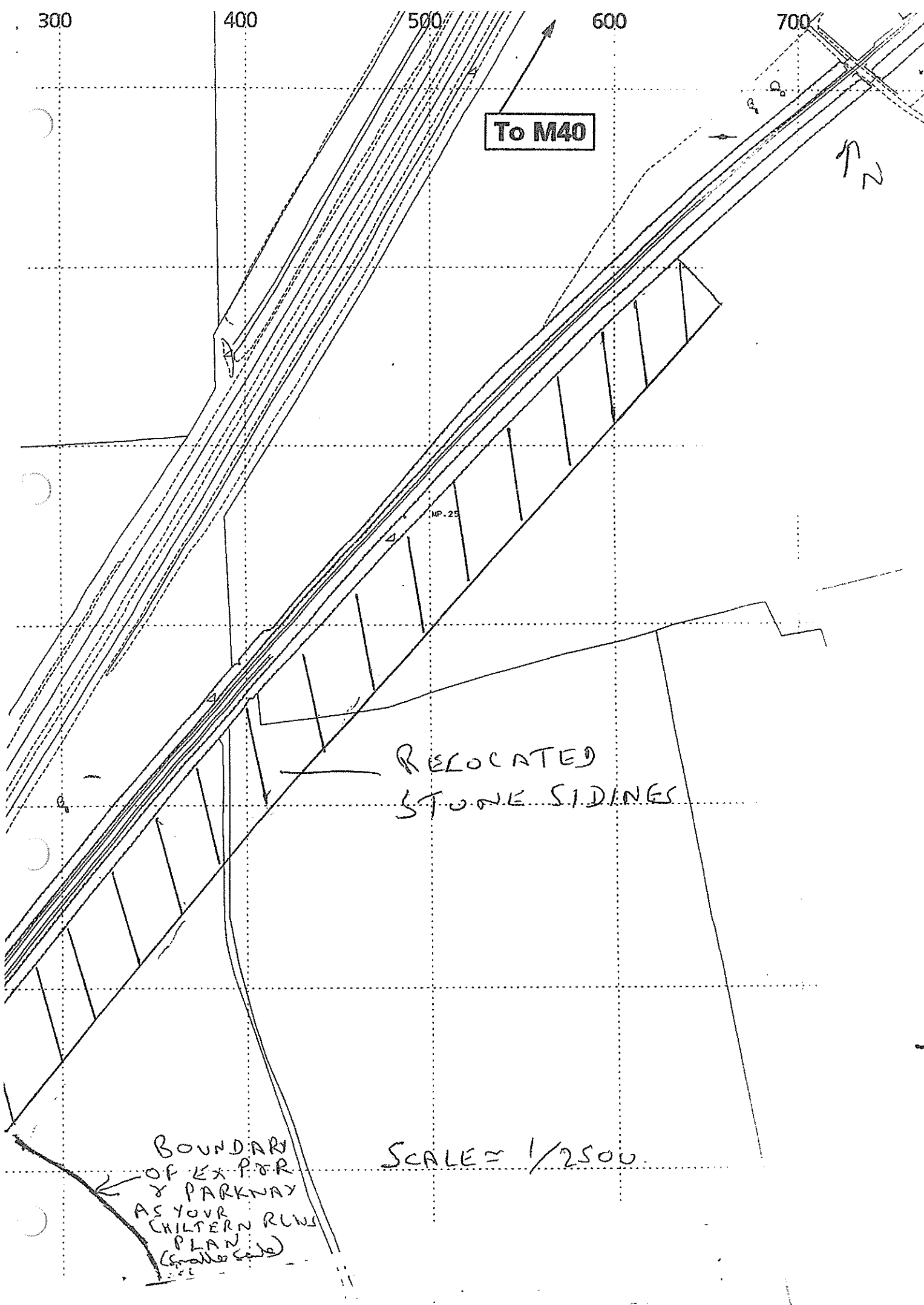
700

To M40

RELOCATED  
STONE SIDINGS

BOUNDARY  
OF EX P. OR  
Y PARKWAY  
AS YOUR  
CHILDREN RWS  
PLAN  
(smaller scale)

SCALE = 1/2500



Facsimile  
Message

060/133

**Environmental  
Resources  
Management**

**To** Carl Smith

2<sup>nd</sup> Floor, Exchequer Court  
33 St Mary Axe  
London EC3A 8AA

**Copied to**

**From** Sarah Goodall

Telephone 0203 206 5662  
Facsimile 0203 206 5274  
Email  
sarah.goodall@erm.com

**Ref/Project number** 0110147 Phase 01

**Subject** Gosford and Water Eaton Footpath and Bridleways  
Diversions

**Date** 7 October 2010



**ERM**

**Page 1 of 2**

---

CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)  
ORDER

Mr Smith

Thank you for your telephone message of yesterday. I am sorry I was unable to take your call but I was in a meeting. As requested in the message you left, I have attached a plan which shows the diversions of the main footpath 229/4 and bridleway 229/5 in the Parish. I can confirm that footpath 229/10 will be bridged over the railway and a diversion is not proposed.

If the plan is unclear or you require any further information, please do not hesitate to get in touch.

Kind Regards

Sarah Goodall  
Senior Planner

---

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14

KIDLINGTON

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Kidlington CP

13

Gosfor  
Water Ea

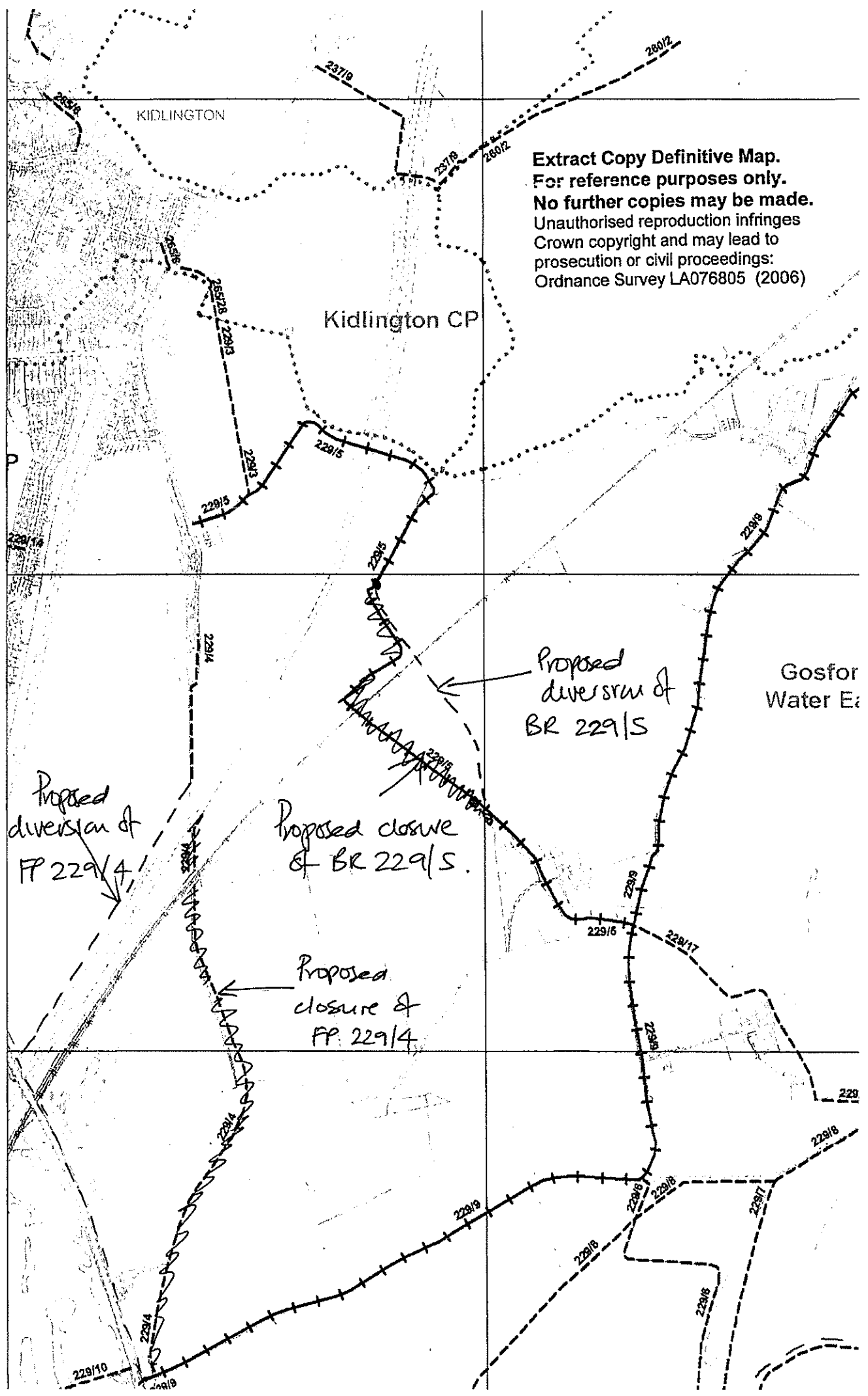
*Proposed  
diversion of  
FP 229/4*

*Proposed closure  
of BR 229/5*

*Proposed  
diversion of  
BR 229/5*

*Proposed  
closure of  
FP 229/4*

12



MESSAGE CONFIRMATION

07-OCT-2010 18:38 THU

FAX NUMBER: 442032065440  
NAME : ERM LONDON

NAME/NUMBER : 901865374236  
PAGE : 002  
START TIME : 07-OCT-2010 18:37 THU  
ELAPSED TIME : 00' 59"  
MODE : G3 STD ECM  
RESULTS : [ O.K ]

Facsimile  
Message

Environmental  
Resources  
Management

To Carl Smith  
Copied to  
From Sarah Goodall  
Ref/Project number 0110147 Phase 01  
Subject Gosford and Water Eaton Footpath and Bridleways  
Diversions  
Date 7 October 2010

2<sup>nd</sup> Floor, Exchequer Court  
33 St Mary Axe  
London EC3A 8AA

Telephone 0203 206 5662  
Facsimile 0203 206 5274  
Email  
sarah.goodall@erm.com

Page 1 of 2



CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)  
ORDER

Mr Smith

Thank you for your telephone message of yesterday. I am sorry I was unable to take your call but I was in a meeting. As requested in the message you left, I have attached a plan which shows the diversions of the main footpath 229/4 and bridleway 229/5 in the Parish. I can confirm that footpath 229/10 will be bridged over the railway and a diversion is not proposed.

If the plan is unclear or you require any further information, please do not hesitate to get in touch.

Kind Regards

Sarah Goodall  
Senior Planner

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