

TRANSPORT AND WORKS ACT 1992 ("the Act")

**CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)
ORDER 201[X] ("the Order")**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006 ("the Applications Rules")**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE)
RULES 2004 ("the Inquiries Rules")**

COMPLIANCE PACK

**Submitted on behalf of Chiltern Railways in support
of confirmation of compliance with statutory
formalities**

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1. The Act

1.1 Application was made by The Chiltern Railway Company Limited ("CRCL") in accordance with section 6 of the Act for the Order to be made under sections 1 and 5 of the Act.

2. The Applications Rules

2.1 The procedure for submitting an application for an Order under the Act is contained in the Applications Rules (CD/5.22) made under the Act.

2.2 The application for the Order (CD/1.1) was made to the Secretary of State for Transport on 6 January 2010 in accordance with Rules 9, 10, 11, 12, 13, 14 and 15 of the Applications Rules (Appendix 1). Prior to this, a copy of the proposed draft Order and Explanatory Memorandum were supplied to the Secretary of State (Appendix 2) on 11 September 2009 in accordance with Rule 5(1) of the Applications Rules.

2.3 In accordance with Rule 14 of the Applications Rules, notice of the application for the Order was published in the following newspapers on the following dates:

Oxford Times 24 December 2009 and 7 January 2010 (Appendix 3)

Bicester Advertiser 24 December 2009 and 7 January 2010 (Appendix 4)

London Gazette 6 January 2010 (Appendix 5)

2.4 In accordance with the notice published in the Oxford Times and in the Bicester Advertiser as mentioned in 2.3 above, copies of the application and of all other documents submitted with it were made available for public inspection at the places and at the times mentioned in the notice. Notice was also displayed at the places mentioned in the Newspaper Notice as to how copies of those documents may be obtained in accordance with Rule 14(10) (Appendix 6); copies of the application documents being obtainable on and after 6 January at the offices of ERM, Eaton House, Wallbrook Court, North Hinksey Lane, Oxford OX2 0QS, electronic copies being obtainable free of charge from the same address and further information about the proposals being obtainable by telephone or e-mail from Natasha Gough of ERM.

2.5 A copy of the application together with copies of every relevant document required to accompany it in accordance with Rule 13(8) (including the statement required in accordance with Rule 13(8)(j)) were served in accordance with rule 13(1) and (3) on those bodies required to be served on 6 January 2010 (Appendix 7).

2.6 Notice in accordance with Rule 14(4) of the Applications Rules, containing information specified in Rule 14(5), including a statement as to the capacity in

which the recipient was being served, was served by recorded delivery service on 3 February 2010 upon those bodies required to be served (Appendix 8).

- 2.7 In accordance with Rule 14(6) of the Applications Rules, notice (in the form of Form 2 in Schedule 2 to the Rules) was displayed upon or as close as reasonably practicable to the proposed sites of the works and at intervals of not more than 5 kilometres along the route of the works (Appendix 9).
- 2.8 In accordance with Rule 14(7) of the Applications Rules, notice (in the form of Form 3 in Schedule 2 to the Rules) was displayed upon the right of way or street at, or as close as reasonably practicable to each point of proposed extinguishment, diversion, stopping-up or restriction (Appendix 10).
- 2.9 In accordance with Rule 15 of the Applications Rules, notices (in the form of Form 5 in Schedule 2 to the Rules) of the application were served by recorded delivery service on 6 January 2010 upon all those named in the Book of Reference accompanying the application for the Order. Examples of the notices so served are attached at Appendix 11 together with a postal list of the persons and bodies served.

3. **Post Application**

- 3.1 In accordance with Rule 10(8) of the Applications Rules compliance with the relevant Rules was supplied to the Secretary of State in the form of sworn affidavits on 3 March 2010 and was acknowledged by the Department for Transport by letter dated 10 March 2010 (Appendix 12).

4. **Objections**

- 4.1 The period for making objections and representations commenced on 6 January and expired on 17 February 2010.

5. **The Inquiries Rules**

- 5.1 Following receipt of objections to the Order, by letter dated 15 March 2010, the Secretary of State gave notice of his decision to hold an Inquiry into the application for the proposed Order (Appendix 13). The Secretary of State also gave notice that, in accordance with Rule 7(1) of the Inquiries Rules, CRCL's Statement of Case (CD/1.27) was required to be served on him and on each statutory objector and on each person who is required to serve a statement of case under Rule 7(3) of the Inquiries Rules no later than 15 July 2010.

6. **Further Environmental Information**

- 6.1 Continued assessment of the environmental impacts of the project sought to be authorised by the Order followed the application for the Order. As a result of that continued work, an Addendum to the Environmental Statement was produced

(CD/1.22). The Addendum comprises further information in relation to bats and also badgers.

6.2 In accordance with Rule 17(6) of the Applications Rules CRCL complied with the steps set out in Rule17(4) in respect of that further information.

6.3 In accordance with Rule 17(4)(a) of the Applications Rules, notice (in the form of Form 6 in Schedule 2 to the Rules) of the further environmental information was published in the following newspapers prescribed by Rule 14(3) on the following dates:

Oxford Times 8 April 2010 (Appendix 14)

Bicester Advertiser 8 April 2010 (Appendix 15)

and in accordance with the published notice copies of the further environmental information were made available for public inspection at the places and at the times mentioned in the notice.

6.4 In accordance with Rule 17(4)(b) of the Applications Rules, on 6 April 2010 a copy of the further environmental information was served on each person on whom a copy of CRCL's statement of environmental information was served and delivered to the respective libraries of the House of Lords and the House of Commons. An example of the covering letter together with the postal list of the persons and bodies served is attached at Appendix 16.

6.5 In accordance with Rule 17(4)(d) of the Applications Rules, on 7 April 2010 four copies of the further environmental information were provided to the Secretary of State (Appendix 16).

7. **Representations on further environmental information**

7.1 The period for making representations commenced on 8 April 2010 and expired on 20 May 2010.

8. **The Inquiries Rules**

8.1 Following receipt of a representation to the further environmental information, by letter dated 17 June 2010, the Secretary of State gave notice of the date, time and place for the holding of an inquiry and of a pre-inquiry meeting (Appendix 18). In that letter the Secretary of State also gave notice that, pursuant to Rule 23 of the Inquiries Rules and in accordance with Rule 7(1) of the Inquiries Rules, CRCL's Statement of Case was required to be served on him and on each statutory objector and on each person who is required to serve a statement of case under Rule 7(3) of the Inquiries Rules no later than 6 August 2010.

- 8.2 CRCL's Statement of Case (CD/1.27) was accordingly served upon the Secretary of State and on each statutory objector on 5 August 2010 and on each person who notified the Secretary of State of his intention or wish to appear at the Inquiry on 6 August 2010 (Appendix 19).
- 8.3 In accordance with Rule 7(2)(a) of the Inquiries Rules, CRCL also served on the Secretary of State with its Statement of Case a copy of every document intended to be referred to or put in evidence at the Inquiry (pages 149 to 152 of the Statement of Case) together with a copy of the notice referred to below.
- 8.4 In accordance with Rule 7(2)(b) of the Inquiries Rules, CRCL served upon each statutory objector with its Statement of Case, notice of where a copy of every document intended to be referred to or put in evidence may be inspected free of charge (page 144 of the Statement of Case).
- 8.5 Further notice of additional documents intended to be referred to or put in evidence at the Inquiry was sent to each statutory objector on 10 September 2010 (Appendix 20).

9. **The Proposed Modifications to Work No. 11**

- 9.1 Consequent upon representations received regarding the application for the Order, CRCL consulted further with interested parties regarding the alignment of Work No. 11 at Langford Lane and sought to modify the terms of the Order by varying the alignment of Work No. 11.
- 9.2 On 3 September 2010, notice of the proposed modifications and the procedure for the publication and service of notice and the making of representations was submitted to the Inspector appointed to conduct the Inquiry together with a paper of amendments, revised sheet Nos 8b, 35 and 37 of the deposited plans and sections, revised sheet No 8b of the planning direction drawings and revised page 48 of the book of reference (CD/1.28) ("the modification documents") and a second Addendum to the Environmental Statement (September 2010) ("the ES Addendum") (CD/1.22/1).
- 9.3 Notice of the proposed modification was published in the following newspapers on the following dates:

Oxford Times 9 September 2010 (Appendix 21)

Bicester Advertiser 9 September 2010 (Appendix 22)

and in accordance with the published notice copies of the modification documents and the ES Addendum were made available for public inspection at the places and at the times mentioned in the notice.

However, in the case of Oxford Central Library we were informed on 24 September 2010 that the documents supplied for inspection at that library had been passed on to Oxfordshire Studies whose opening times are Tuesday, Thursday, Friday and Saturday between 9am and 5pm.

9.4 Notice of the proposed modification was displayed upon or as close as reasonable practicable to the proposed site of Work No. 11 and upon the street as close as reasonably practicable to the point of proposed diversion, stopping-up or restriction (Appendix 23).

9.5 On 3 September 2010, notice of the proposed modifications and copies of the modification documents and the ES Addendum were served on all existing objectors who are specifically interested in the Langford Lane crossing, the relevant local authorities, the Environment Agency and other relevant bodies specified in Schedules 5 and 6 of the Applications Rules and on 9 September 2010 were delivered to the respective libraries of the House of Lords and the House of Commons (Appendix 24).

9.6 On 8 September 2010, four copies of the modification documents and of the ES Addendum were provided to the Secretary of State (Appendix 25).

10. **Representations on proposed modification and ES Addendum**

10.1 The period for making representations commenced on 9 September 2010 and expired on 21 October 2010. Catherine and Bartholomew Quinn submitted a Statement of Case (OBJ/230/1) to be given as evidence at the Inquiry.

11. **Open space land**

11.1 The application for open space certificates (CD/1.25) was made to the National Unit for Land Acquisition at the Government Office London ("GOL") on 29 January 2010 in accordance with section 19 of, or paragraph 6 of Schedule 3 to, the Acquisition of Land Act 1981 ("the 1981 Act") in relation to land located to the North of Gavray Drive in the District of Cherwell, land adjacent to Tubbs Lane Crossing in the District of Cherwell, land adjacent to allotment gardens at Aristotle Lane Crossing in the City of Oxford and land at Port Meadow in the City of Oxford.

11.2 Following the abolition of GOL, responsibility for public open space land was transferred to the Department for Communities and Local Government ("DCLG"). On 18 August 2010 the National Unit for Land Acquisition and Disposal (NULAD) at DCLG indicated that the Secretary of State was minded to approve the open space certificates applied for provided that a footpath link was maintained between Gavray Drive and access under the main London to Birmingham railway line and provided landscaping to the proposed works included appropriate boundary treatments. On 3 September 2010 Eversheds, on behalf of CRCL,

confirmed to NULAD its acceptance of the conditions required by the Secretary of State as mentioned above (Appendix 26).

- 11.3 On 9 September 2010, the Secretary of State for Communities and Local Government gave notice of his intention to give the certificate (Appendix 27).
- 11.4 In exercise of this powers under section 19(2) and (2A) of, and paragraph 6(3) of Schedule 3 to, the 1981 Act, the Secretary of State directed CRCL to give public notice of his intention to give a certificate by publishing notice in the local newspapers and by posting copies of the notice in the vicinity of the land and in the usual places where it is customary to display notices of the Council.
- 11.5 Accordingly, such notice was published in the Bicester Advertiser of 16 and 23 September 2010 (Appendix 28) and in the Oxford Times on 16 and 23 September 2010 (Appendix 29) and on 16 September 2010 notice was posted for display in the vicinity of the land mentioned in the notice and was similarly posted for display in the usual places where it is customary to display notices of Cherwell District Council and Oxford City Council (Appendix 30).
- 11.6 On 15 September 2010 a copy of the notice was also served on the interested local authorities and on those persons who, if the land was being compulsorily purchased, would be entitled to be served with a notice under section 12 of the 1981 Act. A postal list of the persons and bodies so served is attached at Appendix 31.
- 11.7 The period for making objections or representations commenced on 16 September and expired on 7 October 2010. Three objections to the application for an Open Space Certificate were received by NULAD. Accordingly those objections were referred to the Public Inquiry into the Order.

12. **Pre-Inquiry Meeting**

- 12.1 At the pre-inquiry meeting held on 7 September 2010 the Inspector appointed to conduct the Inquiry requested that proofs of evidence (summaries, appendices and supporting reference material) be submitted by 5pm on 1 October 2010. In accordance with that request and as required by Rule 16 of the Inquiries Rules, CRCL submitted, by courier on 1 October 2010, two copies of the proofs of evidence of all those witnesses intended to be called by CRCL at the Inquiry to give evidence to the Programme Officer together with summaries (where required), appendices and supporting reference material referred to in those proofs of evidence. Copies of those proofs and accompanying documents were also served, by courier, on all the objectors to the Order who had indicated that they wished to appear at the Inquiry (Appendix 32).

13. **Inquiry**

13.1 In accordance with Rule 13(6) of the Inquiries Rules:

- (a) notice of the Inquiry (Appendix 33) was posted by CRCL in a conspicuous place on or as reasonably practicable to the land to which the Order relates (Appendix 34);
- (b) notice of the Inquiry (Appendix 35) was published by local advertisement in the area in which the proposals contained in the application are to have effect such publication being in the Bicester Advertiser and the Oxford Times on 14 October 2010; and
- (c) notice of the Inquiry (Appendix 33) was sent for public inspection to Oxford City Council and Cherwell District Council and four libraries where copies of the Inquiry documents were available for public inspection and was posted for display where public notices are usually posted in the area including the open space and exchange land referred to in the Order.

Eversheds LLP
2 November 2010