

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

ARISTOTLE LANE 'MITIGATION' WORKS:

PROGRESS OF NEGOTIATIONS WITH OXFORD CITY COUNCIL (OBJ 109)

1 Introduction

- 1.1 This note updates the evidence given in Ian Gilder's main Proof of Evidence (**CRCL/P/12/A**), in particular paragraphs 11.65 to 11.73, which refer to the proposed 'mitigation works' associated with the closure of the Aristotle Lane crossing.

2 Present Position

- 2.1 Oxford City Council, as part of its objection, resolved to oppose the closure of Aristotle Lane crossing. The City Council submitted a Statement of Case (**OBJ109/1**) but has not submitted evidence to the Inquiry and is not appearing.
- 2.2 Chiltern Railways has been in continuing dialogue with officers of the City Council in relation to the closure of the crossing and, in particular, to seek the Council's cooperation, as landowner, of the allotments, of Port Meadow and of land to the east of the railway, to deliver appropriate measures to ameliorate any impacts of the closure. This dialogue has been held in parallel with discussions with representatives of the Trap Ground Allotment Association (**OBJ 13, OBJ 236**), as well as Mr Salisbury (**OBJ 5**).
- 2.3 Chiltern Railways provided the City Council with details of the preferred 'mitigation measures' by email on 7 October 2010 with a revised plan of the proposed parking area, east of the railway on 20 October 2010. Apart from the resurfacing and other improvements to the bridge and ramps, these comprise three components:
- (i) the raising of the footpath/bridleway from the western ramp of the Aristotle Lane footbridge to the level of the existing north-south concrete track across Port Meadow from Walton Well Lane. This is intended to overcome localised flooding of the path, which can occur at present, when the allotments themselves are not flooded. These works are illustrated in Figure 28.1 to **CRCL/P/6/B2**. As noted by Natural England in para 2.5 of **OBJ/246/3**, this solution has the support of Natural England. It would be provided instead of the proposed ramp bridge, which cannot be designed with the necessary clearance for cattle and which, in any case, is not supported by the representatives of the allotment holders.

- (ii) Chiltern Railways would acquire rights of access for allotment holders, on a formal basis, to enable use of the concrete track across Port Meadow by vehicles. This would enable allotment holders needing to deliver or collect heavy items to drive to and park at the gate to the allotments. As noted in paragraph 2.7 of **OBJ/246/3**, Natural England has confirmed its objection to this proposal unless an appropriate Code of Conduct is agreed by the City Council, who would need to implement and enforce it. The allotment holders already use this track, by virtue of an informal arrangement with the City Council.
- (iii) the prospective provision of car parking alongside the realigned maintenance access on the east side of the railway, together with steps up to the ramp to the Aristotle Lane bridge. The realignment of the maintenance access is proposed by the City Council in order to release the land to the north to the County Council for an expansion of the adjacent primary school. The general arrangement of this parking is shown in Figure 28.2 in **CRCL/P/6/B2**. Following representations by Mr Salisbury, a revised version of the parking layout has been prepared, which provides for vehicles to turn and leave the parking area in forward gear, and this has been sent to the City Council seeking agreement to the proposals. Chiltern Railways is prepared to construct the parking, turning head and steps, providing the allotment holders with permanent parking facilities replacing the Network Rail parking area, which is used unlawfully.

2.4 The City Council responded to these proposals on 1 November 2010 agreeing with the statements made by Chiltern Railways that *'at present the Council maintains its in principle objection on grounds of the increased distance that allotment holders will have to walk over the bridge'* and although Chiltern Railways has made efforts to provide 'mitigation' these are not supported by the City Council. In the event that the Inspector decides to recommend closure of the crossing *'the Council would, with reluctance, agree to the mitigation measures, subject to resolution of details'*.

2.5 The Correspondence between Chiltern Railways and Oxford City Council on this matter is included as Appendix 1 to this evidence.

3 Summary

3.1 Chiltern Railways has proposed three 'mitigation measures' at Aristotle Lane, in addition to the resurfacing of the bridge and approach ramps. The City Council is the owner of the allotments and might reasonably be expected to support these measures, which, at little or no cost to the Council, would secure permanently improved facilities for the allotment holders. The raised footpath would be freely open to the public as part of the public bridleway but the cooperation of the City Council is required to manage and enforce suitable vehicle use restrictions on the track across Port Meadow and to control and maintain the parking to the east of the railway. Neither of these are matters which Chiltern Railways could practically undertake itself, once any works are completed, nor could Chiltern Railways impose such an arrangement on the City Council. In the event that agreement is not reached with Oxford City Council (or a satisfactory arrangement cannot be agreed for the Port Meadow track with Natural England), Chiltern Railways will amend the Order

Application to remove the relevant plots [29010, 29011 and 30009] the powers sought within the SAC.

Appendix 1

CRCL/P/12/E

Relevant Correspondence
between Chiltern Railways
and Oxford City Council

Sarah Goodall

From: Ian Gilder
Sent: 01 November 2010 16:47
To: Sarah Goodall
Subject: FW: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
T (direct):020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

From: LYONS Martin [mlyons@oxford.gov.uk]
Sent: Monday, November 01, 2010 4:35 PM
To: Ian Gilder
Subject: RE: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

[Ian - Apologies, I have just returned from an afternoon meeting starting at 2. I agree that your email below reflects the content of our discussion this morning. regards.](#)

Martin Lyons
Corporate Assets
Oxford City Council
(01865 252138)

From: Ian Gilder [mailto:Ian.Gilder@erm.com]
Sent: 01 November 2010 13:48
To: LYONS Martin
Subject: FW: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Martin

Please see email below

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
T (direct):020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

From: Ian Gilder
Sent: Monday, November 01, 2010 1:41 PM

To: martin.lyons@oxford.gov.uk
Cc: monicapeto@eversheds.com; Sarah Goodall; Charlene Baker; Colin Maciver
Subject: FW: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Martin

We discussed the City Council's position this morning.

Can you just confirm my understanding that at present the Council maintains its in principle objection on grounds of the increased distance that allotment holders will have to walk over the bridge and, while you accept that Chiltern has made efforts to provide 'mitigation' these are not good enough and are not supported by the Council.

We also discussed the situation if the Inspector decides to recommend closure of the crossing. In that event, you agreed that the Council would, with reluctance, agree to the mitigation measures, subject to resolution of details.

Can I please have your immediate response to this, because I would like to put the statements in this email in responses to objectors which have to be sent today.

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
T (direct):020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

From: Ian Gilder
Sent: Friday, October 29, 2010 2:27 PM
To: LYONS Martin; Paul Clarke
Cc: ERM UK Chiltern Objections; chiltern objections; monicapeto@eversheds.com; Charlene Baker; Colin Maciver; Sarah Goodall
Subject: RE: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Martin

I tried to call you after this email arrived, but understand you are on sick leave.

I am keen just to check out the City Council position, since we need to provide our response evidence to the Inquiry dealing with the TGAA and its members, by midday on 1 November.

There are, as I see it, four elements to the mitigation proposed by Chiltern:

1. Resurfacing etc of Aristotle Lane bridge
2. The raising of the path at the western end of the bridge
3. Granting of rights to the allotment holders to make restricted use of the track across Port Meadow
4. The provision of parking and steps up from the maintenance access road to the east of the railway.

Can you please confirm which, if any, of these, the City Council is prepared to support and, in so far as is necessary, assist Chiltern Railways by helping to manage and enforce? From a practical perspective, this is mainly to do with the last two.

Can you please contact me by email or phone, 07802 886132, by midday on Monday to clarify this.

Regards

Ian

Ian Gilder

Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA

T (direct):020 3206 5661

T: 020 3206 5200

F: 020 3206 5440

M: 07802 886132

From: LYONS Martin [mlyons@oxford.gov.uk]

Sent: Friday, October 29, 2010 12:06 PM

To: Paul Clarke

Cc: Ian Gilder; Peter Gibbard; ERM UK Chiltern Objections; chiltern objections

Subject: RE: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Paul

Apologies for not getting back to you earlier. We had sent the revised parking plan to the County, and I understand the revised land requirement has caused some concern. Can you confirm why such a large turning head is considered necessary?

At the Executive Board last month, the decision to withdraw the objection was delegated to the Head of Corporate Assets. No further committee /cabinet measures are required.

We have now considered the various proposals carefully, but concluded that the City Councils objections should not be withdrawn. It is appreciated that Chiltern have made genuine efforts to come up with realistic mitigation measures, but at the end of the day, the constraints encountered have greatly reduced the overall impact of these. Most significantly, most allotment holders will be faced with a much longer walk to reach their plots, which we feel will eventually have an effect on the long term viability of the site, and the Councils property interests.

regards

Martin Lyons

Corporate Assets

Oxford City Council

(01865 252138)

From: Paul Clarke [mailto:PaulClarke@ardent-management.com]

Sent: 28 October 2010 19:17

To: LYONS Martin

Cc: 'Ian.Gilder@erm.com'; Peter Gibbard; chiltern.objections@erm.com; chiltern objections

Subject: ARISTOTLE LANE MITIGATION MEASURES - EVERGREEN 3

Martin

Can you please let me know when the proposed mitigation measures will be going to Committee and which Committee/Cabinet Member will be dealing with it? As you probably know, the Inquiry starts next week.

Regards,

Paul



Paul Clarke | Associate Director

Ardent Property Consultants

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