

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

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

IN RELATION TO

**THE OBJECTION AND EVIDENCE RELATING TO THE APPLICATION FOR AN OPEN
SPACE CERTIFICATE OF**

IAN SALISBURY

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 Ian Salisbury relating to the application for an open space certificate.
- 1.2 In particular, Ian Salisbury has raised new points in his email of 1 November 2010 objecting to the application for an open space certificate 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 or in their rebuttal to Ian Salisbury's evidence [CRCL/R/OBJ5].
- 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. 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 email of Ian Salisbury referred to above. In this respect, for cross-examination purposes, the name of 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 Objector" means Ian Salisbury;

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| <i>“the Objector’s evidence”</i> | means the email of the Objector to Kim Smith dated 1 November 2010 |
| <i>“the open space application”</i> | means the application for a certificate under section 19 of, and paragraph 6 of Schedule 3 to, the Acquisition of Land Act 1981 submitted to the Secretary of State on 29 January 2010 in connection with the powers of compulsory acquisition sought in the Order application. |
| <i>“the Order application”</i> | means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010; and |
| <i>“the proposed Order”</i> | means the proposed Chiltern Railways (Bicester to Oxford Improvements) Order. |

3 Chiltern Railways’ Rebuttal of the Objector’s Evidence

3.1 In this rebuttal, Chiltern Railways is responding to points of evidence made and Questions of Clarification sought that have not yet been responded to through Chiltern Railways’ witnesses’ evidence in chief or responses to Questions of Clarification or **CRCL/R/OBJ5**.

Requirement for Rights over the Track at Port Meadow, Ian Gilder

3.2 The Objector states that his objection to the five compulsory purchase orders relating to Port Meadow is now a technicality because Chiltern Railways has revised their proposals so as not to include the new ramp from the bridge into the allotments that was originally intended. Nonetheless, he objects to the application for an open space certificate on the grounds that the purchase of Port Meadow or any part of it is unnecessary to Chiltern Railways in the furtherance of its proposal

3.3 The reference in the Objector’s evidence to there being five compulsory purchase orders relating to Port Meadow is incorrect. The Order as originally submitted includes two proposals relating to Port Meadow:

- (a) the acquisition of rights over Plot Nos.29015 and 29016 on the deposited Order Plans **[CD/1.9, sheet 29]** to provide an accommodation ramp access from the existing bridge to the Trap Ground Allotments.
- (b) the acquisition of permanent rights of access for the benefit of allotment holders over the existing concrete track across Port Meadow. The track is shown on the location plan at Appendix C to **CRCL/INQ/13** and the relevant powers in the Order are explained in paragraph 4(d) of **CRCL/INQ/13**.

3.4 For the reasons explained in Mr Gilder’s evidence in **CRCL/P/12/E**, Chiltern Railways has now decided not to proceed with the proposal referred to in 3.3(a) to provide an accommodation ramp from the existing bridge; and this is recognised by the Objector in his evidence. A modification to the Order will be proposed to remove this power from the draft Order.

- 3.5 The proposed acquisition of permanent vehicular rights of access over the existing concrete track referred to in 3.3(b) is only for the purpose of providing an access to the Trap Ground Allotments as a mitigation measure for the allotment holders. As explained in paragraph 4(d) of **CRCL/INQ/13** the Order does not confer any power of outright acquisition over the track nor any power to carry out works on the track. The proposed acquisition of the rights of access would be exercisable alongside any rights currently exercisable by the commoners or others over the track.
- 3.6 As explained in **CRCL/P/12/E**, the provision of the right of access is subject to the co-operation of Oxford City Council. Chiltern Railways consider that this is a reasonable proposal which is intended to provide a further helpful measure to the allotment holders to mitigate the effects of the proposed closure of the Aristotle Lane Crossing. While Chiltern Railways will continue to use reasonable endeavours to provide this means of vehicular access, the closure of Aristotle Lane should not be made conditional upon its provision.

4 Conclusion

- 4.1 The only powers of compulsory acquisition now sought relating to Port Meadow are rights of access over the existing concrete track for the benefit of allotment holders. The Objector accepts in his evidence that his objection to the application for an open space certificate is now only a technicality.