



OBJ/044-046/1

W J Abbott FRICS FAAV

WJA Rural Practice Ltd

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The Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure)
(England and Wales) Rules 2006

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

PROOF of EVIDENCE

For and on behalf of

**Mr Jesse Benjamin Honour, Mrs Margaret Lily Honour
and their son Mr Jesse Scott Honour**

**Three Acres Farm 8, The Broadway Charlton-on-Otmoor
Kidlington Oxfordshire OX5 2UB**

Prepared and presented by:

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I, WILLIAM JOHN ABBOTT FRICS FAAV will say:

I represent Mr Jesse Benjamin, Mrs Margaret Lily Honour and their son Mr Jesse Scott Honour who live at 8, The Broadway Charlton-on-Otmoor OX5 2UB

My clients own (inter alia) 2(no) relatively small enclosures of pasture land that, as a block, border to the south-east of the railway and with frontage to the north-east side of Mansmoor Lane. These enclosures are shown on Ordnance Survey and on the Rural Land Register, and have the following correlation to the Order:

Land parcel number	Area (hectares/acres)	DP numbers on Order
SP5517 6956	1.12 2.77	12002 and 11009
SP5517 7255	0.31 0.77	12003 and 11008

This latter enclosure is traversed by a Bridleway but it must be stressed that my clients farm this field at all times in common with the rest of their farm: it is merely a field that is crossed by a public right of way but is grazed and managed in accordance with standard agricultural practices.

My clients are small farmers, with a disparate Holding situated variously between Ambrosden, Merton, Charlton-on-Otmoor and Mansmoor Lane that extends to only 19.63 hectares (48.50 acres). Their main farm buildings are situated at a steading in other fields lying with frontage to the north-east side of Mansmoor Lane and this is a relevant factor that will be referred to later. The main enterprise on the farm is a Suckler Cow herd extending to 20(no) head with progeny reared to strong store stage. Forage is produced on the holding so that the system is self-contained as far as possible, with only straw purchased.

Whereas Mr Scott Honour is employed part-time in agriculture elsewhere in the locality, the farming enterprise carried on by the family partnership constitutes a significant proportion of the income to the household. The loss of fields or part fields will have a disproportionately heavy consequence to the farm enterprise carried on by the Honour family.

The Scheme proposals include for railway over-bridges to replace existing level crossings. The Bridleway enclosure owned by my clients adjacent to the railway has an egress to the Beebont crossing; but it is more the closure of the Home Farm, and perhaps the Manor Farm, crossings that will impact on my clients. The Scheme intends, without any consultation whatsoever between my clients and the Agents acting for the Promoters (and, therefore, in the eyes of my clients without any justification whatsoever), to compulsorily snatch their land for the benefit not of the railway Scheme per se, but merely to accommodate a larger farming neighbour in the relocation of one of his farm buildings.

My clients therefore respectfully assert that the Scheme has, as the Secretary of State has demanded, neither:

- promoted a compelling case for acquisition of either rights or of property from them; nor
- provided much evidence to justify interfering with their human rights by way of property ownership; and further

- provided only scant (and incomplete) details of the how their land is to be used.

My clients **object** in the strongest possible terms to the current proposals to close the existing level crossings for Manor Farm, Home Farm, Beebont and Holts Farm with a proposal for a replacement bridge elsewhere (Work no. 13), for the following reasons:

1. They resent the imposition of level crossing closure proposals, that have had the effect of **alienating** and causing **bad feeling and friction** between neighbouring landowners and occupiers.
2. My clients are concerned that their land will be compulsorily acquired from them merely to provide access and to accommodate the needs of a larger neighbouring landowner, rather than any need arising from the railway Improvements Scheme itself.

At Annex C Table C2 of the Environmental Statement (vol. 4), it is stated (under the proposal to close Home Farm crossing) that the intention is to “purchase small landholding that currently located to northwest of railway (new building to be outside SSSI on land to be acquired from”. I have concluded that this Proposal is unfinished.

The fact that this proposal remains unfinished and has omissions is indicative of the disdain and contempt with which the Promoters and their Agents have dealt with my clients. It is presumably to be assumed that it is the land owned by my clients that is to be acquired and then gifted to the neighbouring landowner (Mr Paul Miller), but my clients assert that the principle of greater hardship should apply. As far as I can see Mr Miller will not lose any land to the Scheme, and he would appear to have much more land at his disposal to restructure his affairs when compared with my clients.

In addition Mr and Mrs Honour and their son wish me to expand on their concerns as to the **integrity** of the un-metalled road known as Mansmoor Lane to cope with the proposals identified by the Scheme; to the effect that it appears that this private right of way will be used as a means of access to the railway on either a permanent or temporary basis, in the form of an “accommodation road”.

3. Mansmoor Lane is not capable of taking increased levels of traffic, and certainly not construction vehicles or plant. Whereas the Scheme apparently identifies that some construction methodology and importation of materials can be effected directly from the existing railway line, it is suggested that the load bearing capacity and road surface of Mansmoor Lane should be upgraded prior to commencement of works.
4. It is suggested that the ditches lying to either side of Mansmoor Lane must be cleaned and thereafter maintained in good condition by Chiltern Railways so as to minimise prejudice to the condition of the road and road surface to Mansmoor Lane.
5. The provisions of the Scheme do not appear to allow for any long-term maintenance undertakings from Chiltern Rail in respect of Mansmoor Lane .
6. My clients will require uninterrupted use of Mansmoor Lane and unfettered access to their land and principal farm buildings situated elsewhere off Mansmoor Lane, both during the course of any construction works and thereafter.

Thereafter it is germane to refer to the more **general aspects** of the Scheme proposals that provide opportunity for **loss and detriment**.

7. My clients are concerned at the absence of mitigation measures to overcome noise pollution, both during the construction works and then again once the railway improvements have been effected and the increased levels of rail service implemented.
8. Similarly, my clients wish to emphasise that they run a commercial farming business (inter alia) from their land buildings situated off Mansmoor Lane, and they remain concerned at the lack of any measures to minimise disruption to the livestock enterprise both during the course of the construction works and thereafter.
9. My clients look for clarification of the mitigation measures under the Scheme that will minimise contamination and damage to the use of their land and buildings as a result of noise, vibration, dust and dirt during the construction process.
10. **Costs.** My clients feel that Agents acting for the Promoters have abjectly failed to consult, even at a very elementary level, with them as to either the implications or the impact of the Proposals. It is contended that this failure is and has been unreasonable in its extent.

My clients are very afraid that they are being put to high and unjustified levels of cost due to the inability of the Promoters to put forward proposals to satisfy a particular Statutory Consultee, namely Natural England. The latter body apparently assert that they have yet to be satisfied as to any aspect of the Scheme, particularly with respect to the designated Mansmoor Closes Site of Special Scientific Interest ("SSSI").

It is submitted that many landowners and parties with an interest in the impact of the Scheme proposals on Mansmoor Lane and the immediately surrounding land, and particularly the Mansmoor Closes SSSI, could have been saved substantial time, trouble and cost if the Promoter had delayed submission of their application for an Order under the Transport and Works Act 1992, until after workable solutions had been found and agreed with Natural England.

By way of conclusion, my clients deplore the Scheme as promoted and the impact which it will have on their lives and their property; and particularly deplore the high-handed and unreasonable way in which they have been dealt with by Agents acting for Chiltern Railways.