

TRANSPORT AND WORKS ACT 1992

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

Appendices to Proof of Evidence

(CRCL/P/OBJ242/2/ B)

made in relation to the proposed Chiltern Railways

(Bicester to Oxford Improvements) Order

Statutory Objector: Mr Timothy Peter Howard

Reply Address: Mr T P Howard
Larkhill Cottage
College Farm
Wendlebury
Bicester
Oxfordshire OX25 2PR

Status of Statutory Objector: Freehold owner of affected land and/or
beneficiary of rights in land

The attached documents, listed below, are appendices to the Proof of Evidence will be presented to the Public Inquiry into the proposed Chiltern Railways (Bicester to Oxford Improvements) Order which will commence on Tuesday 2nd November 2010.

End of Cover Sheet

Proof of Evidence - APPENDICES

CRCL/P/OBJ242/2/B

- Appendix 1 Letter (7th April 2009) from Paul Clarke (PC/P2.3.1/CE3/0001) stating the intention to replace the crossing with a vehicular bridge on the same alignment as the crossing.
- Appendix 2 Letter (27th May 2009) from Chris Anstey (CRJA/LAL/2593) to A Shooter during farm sale process, offering Chiltern the opportunity to purchase the severed land.
- Appendix 3 Letter (26th June 2009) from Chris Anstey (CRJA/LAL/2593) to A Shooter, following up his previous letter.
- Appendix 4 Letter (17th May 2010) from Paul Clarke (PC/P3.250.2/EG3/001) to Chris Anstey in response to our objections.
- Appendix 5 Letter (23rd July 2010) from Tim Howard to Paul Clarke with (approximately) costed options for initial mitigation proposals.
- Appendix 6 Letter (2nd September 2010) from Tim Howard to Paul Clarke with revised mitigation proposals, following the site meeting.

List of other documents referred to, but not attached:

Objection No. 242 - Letter (15th February 2010) from Chris Anstey to the Secretary of State stating our objections.

OBJ242/1 - Statement of Case issued by Chris Anstey to the Secretary of State, 4th August 2010.

Appendix 1 Letter (7th April 2009) from Paul Clarke (PC/P2.3.1/CE3/0001) stating the intention to replace the crossing with a vehicular bridge on the same alignment as the crossing.

Our Ref: PC/P2.3.1/CE3/0001



Mr T Howard
Larkhill Cottage
College Farm
Wendlebury
Bicester
Oxon
OX25 2PR

7th April 2009

Dear Mr Howard,

Railway Level Crossings – Oxford to Bicester Line – Chiltern Railways Evergreen 3 Project – Private Level Crossings

You may be aware that the Chiltern Railways Evergreen 3 Project is providing a new railway through route between Oxford and London Marylebone. Chiltern Railways is undertaking the project as one of its Franchise commitments.

Part of this project requires the upgrade of the current Oxford to Bicester railway line. It is currently a single railway line with a very limited passenger service. Upon completion, trains will run at up to 100 miles per hour, every half hour between Marylebone and Oxford on new double tracks.

The attached gives details of the upcoming consultation exhibitions and gives some more information about the project.

Part of the upgrading works will be to ensure that safety standards are met for a 100mph railway and to achieve this, level crossings on the line need to be assessed. In their current form they are acceptable for the railway as it was constructed in the 19th century and as it has always been used. But, if any intensification of use is to be carried out they must all be improved.

Safety improvement can be carried out by either upgrading the current crossings with new signalling and CCTV or they can be bridged. They can also be closed by the acquisition of owners crossing rights, or ensuring physical closure where crossing rights have been

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foregone by owners. Upgrading is generally considered not to be appropriate for the private crossings along this line, because of their locations and physical characteristics. The remaining safety risk is not acceptable. Bridging is safe, but can still have the associated issues of visual intrusion, land take needs to meet statutory requirements and cost. As a number of the crossings appear to be little or not used, closure is thought to be more appropriate than bridging.

Due to these issues, all of the existing crossings have been investigated to determine what are thought to be the best options and preferred options have been determined. We are writing to you to outline what is considered to be appropriate for the crossing in the vicinity of your property. This is the start of the consultation process required in advance of Chiltern's application for the compulsory purchase powers, which are required to facilitate the overall upgrading works. We are sending this letter out in advance of the public consultation meetings as set out on the attached leaflet, so that affected owners will be aware of what is being proposed.

These powers are required to enable the acquisition of land for the construction of bridges, to acquire crossing rights where crossing closure is the preferred option and to acquire land around stations for station expansions. It is not intended that the railway alignment is widened to accommodate double tracking, as this was formerly a double line. If it is intended to acquire crossing rights, owners of the crossing rights will be compensated under the compulsory purchase compensation code.

From Land Registry information it appears that you own land on both sides of the crossing known by Network Rail as College Farm No. 2, as shown on the attached map and it does appear to be in use. It is therefore intended to replace the crossing with a vehicular bridge on the same alignment as the crossing. However, if you do not feel that a crossing here is needed, please let me know. Such bridges are very expensive, so Chiltern Railways would sooner avoid the cost if it were not needed.

If you would like to discuss this proposal or the scheme further please contact me. If you would like to meet I can either see you at the exhibitions or come to your property.

I look forward to hearing from you.

Yours sincerely,



Ardent Management Ltd

Email – paulclarke@ardent-management.com
Tel – 07900 052307

Encl. Consultation leaflet
Plan 2 of 2

Appendix 2 Letter (27th May 2009) from Chris Anstey (CRJA/LAL/2593) to A Shooter during farm sale process, offering Chiltern the opportunity to purchase the severed land.

C. R. J. ANSTEY
Chartered Surveyors and Land Agents

OAKAPPLE FARM, MARSH GIBBON, BICESTER, OXON. OX27 0AL

CRJA/LAL/2595

COPY

FAO A Shooter Esq
Managing Director
Chiltern Railways
2nd Floor
Western House
Rickfords Hill
Aylesbury
Buckinghamshire
HP20 2RX

27th May 2009

SUBJECT TO CONTRACT

Dear Sir,

Chiltern Railways Project Evergreen 3

Our Client: Mr T Howard, College Farm, Wendlebury, Oxon

We are a firm of Chartered Surveyors and Land Agents instructed to act for a number of land owners along the route of the Project Evergreen 3 (Oxford to Bicester Line) and we have already had a number of meetings with Ardent Management Limited in connection with this scheme.

We are now writing to specifically address you on behalf of Mr T Howard of College Farm, Wendlebury as we believe that a situation exists which, if addressed at this stage, could be of significant benefit to Chiltern Railways with the potential to save your company several hundred thousand pounds.

Our Client farms approximately 250 acres of land at College Farm, Wendlebury. The farmhouse and all the farm buildings together with approximately 105 acres lie to the west of the Oxford-Bicester Railway Line whilst a large area of arable and grass land comprising 145 acres lies to the east of the railway.

Within Project Evergreen 3 we have been advised that Chiltern Railways intend to close all existing crossing points and in the case of our Client a bridge will be provided to allow access to that substantial part of farmland that would otherwise be severed by the railway.

We are of the opinion that the construction of a bridge over the railway of sufficient width and load bearing capability to take modern agricultural vehicles will conservatively cost well in excess of £1million.

We are further of the opinion that it may well be necessary to either relocate or bury a length of the existing overhead power lines that lie in proximity to the railway crossing given the need to allow for articulated hay and straw trailers to make use of the bridge. Such trailers could well be in excess of 5m in height. If this is the case it will have very considerable additional cost implications.

However, our Client is willing to negotiate with you re: the immediate purchase by Chiltern Railways of the 145 acres of land lying to the east of the railway, the value of which we consider to be in the region of £750,000-£800,000.

Should Chiltern Railways be prepared to acquire the land now, subject to contract, you would not only make a saving of several hundred thousand pounds but would also be in a position to recover some or all of the purchase costs by offering the land to the east of the railway to adjoining owners.

We are aware that Network Rail are also seeking to close all crossing points and obviously have funds available to facilitate such closures. Therefore the opportunity exists for you to either acquire the land outright on your own behalf or to work with Network Rail in funding the purchase.

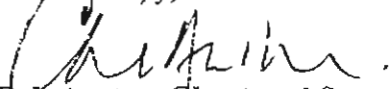
From our own Client's point of view we would put forward only one condition and that is negotiations open immediately with a guaranteed completion date no later than 30th September 2009.

We appreciate that Project Evergreen 3 does not yet have permission under the Transport & Works Act but we understand that the scheme will almost certainly proceed given that it is a franchise commitment made by Chiltern Railways.

This proposal therefore offers Chiltern Railway a clean, quick and straightforward way to save several hundred thousand pounds which must be in the interests of the company and the shareholders.

However, we emphasise that this offer can only remain available on the terms outlined above and for a very limited time, given that College Farm has been placed on the open market and may be acquired as a whole. If this is the case the new Purchaser will require the bridge to be built.

Yours faithfully,


C.R.J. Anstey, Chartered Surveyors
info@ruraland.co.uk

c.c. A. Dare, Project Evergreen 3 Manager, Chiltern Railways
P Clarke, Ardent Management
D. Reaney, Network Rail
T Howard, College Farm, Wendlebury ✓

Appendix 3 Letter (26th June 2009) from Chris Anstey (CRJA/LAL/2593) to A Shooter, following up his previous letter.

CRJA/LAL/2595

FAO A Shooter Esq
Chairman
Chiltern Railways
2nd Floor
Western House
Rickfords Hill
Aylesbury
Buckinghamshire
HP20 2RX

26th June 2009

Dear Mr Shooter,

My Client: Mr T Howard, College Farm, Wendlebury, Oxon
Re: Chiltern Railways Project Evergreen 3

I wrote to you on the 27th May 2009 and am most disappointed not to have received any acknowledgement whatsoever, let alone a comprehensive reply, either from Chiltern Railways or from Ardent Management.

There is no doubt that your Project Evergreen 3 proposals have effectively blighted Mr Howard's farm and the result of this is that he has now to withdraw the sale of his farm from the open market. This in turn has prevented Mr Howard and his family making a long planned move to Scotland.

It does seem somewhat unfair that your proposals can have such a devastating effect on a family's hopes and aspirations and it is most unfortunate that no one in your organisation has even bothered to respond to my earlier letter.

Mr Howard attended a meeting in Bicester yesterday evening (25th June) held by Rail Future during the course of which he spoke. Since the meeting he has been approached by the local press and asked for his comments on Chiltern Railways but his natural inclination is to try and deal with matters privately rather than in the public forum.

I wonder therefore if you would be kind enough to respond to my letter of the 27th May 2009 and/or be prepared to meet with Mr Howard and myself in the hope of furthering discussions.

I look forward to hearing from you.

Yours sincerely,

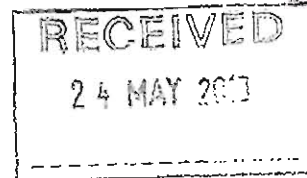
Christopher Anstey

Appendix 4 Letter (17th May 2010) from Paul Clarke (PC/P3.250.2/EG3/001) to Chris Anstey in response to our objections.

COPY

Our Ref: PC/P3.250.2/EG3/001
Your Ref: CRJA/LAU/2593

Oakapple Farm
Marsh Gibbon
Bicester
Oxon
OX27 0AL



Dir Tel - 07900 052307
E-mail - paul.clarke@ardent-
management.com

17th May 2010

Dear sirs,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 242**

We refer to your letter dated 15 February 2010 addressed to the Secretary of State for Transport. The following are Chiltern's responses to your clients' points of objection. Many of the points of objection effectively repeat each other, so a general rather than itemised response is set out.

Mr Howard has been aware of Chiltern's proposals for a considerable amount of time. Once Mr Howard decided to dispose of his farm in two lots, on either side of the railway, the Chiltern Chairman wrote to you on 26th June 2009 explaining that a bridge was no longer proposed. This was never responded to suggesting that this was accepted.

The issue of noise affecting horses has never been raised until receipt of the objection. Noise is however dealt with in the Environmental Statement. The horses are already subject to noise from trains and maintenance and renewal work on the railway. Will you please explain why you consider that the scheme raises health and safety issues.

The new access route will be constructed to replicate the functional standard of the current access to the land to the east of the railway. It has been explained to Chris Anstey on many occasions that no detailed design is carried out for a Transport and Works Act scheme until Order powers are gained.

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The need for new buildings has never been raised before as an issue. We would have expected this to have been raised once Chiltern's plans were made known.

Replacement Badger setts are a consequence of the improvement works to the railway. Their locations are strictly controlled by legislation and beyond Chilterns control.

Environmental issues and a description of the works are included within the Environmental Statement. Embankment works have been discussed with Chris Anstey prior to the application.

If services will be severed, will you please provide evidence of these services and the rights for them to cross the railway and we will consider how they can be protected during the works.

Will you please explain which rights held by Network Rail that you refer to.

Finally in response to your final point relating to costs incurred by yourself and professional advisors, the issue of costs has been explained on numerous occasions to Chris Anstey.

The objection does not propose any mitigation measures for what is objected to. We will be happy to discuss these issues further if proposals are made.

If you wish to seek any further clarification, please do not hesitate to contact the undersigned.

Yours faithfully,

Paul Clarke
Associate director

Appendix 5 Letter (23rd July 2010) from Tim Howard to Paul Clarke with (approximately) costed options for initial mitigation proposals.

Mr Paul Clarke
Associate Director
Ardent Management Ltd
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23rd July 2010

Dear Mr Clarke

Chiltern Railways (Bicester to Oxford Improvements) Order Objection No. 242

In response to your letter dated the 17th May 2010, addressing the letter of objection put forward on my behalf by Chris Anstey on the 15th February 2010. There appears to have been some justifiable confusion on your part regarding the nature of my response and the apparent lack of vocalised objection, which it is probably easier for me to explain than for Chris. This letter provides some personal background information and then addresses the points in the order as set out in your letter:

1. Replacement of College Farm No2 Crossing with a Bridge

Background:

We took the decision to market the farm as a whole in September 2008 and for us to relocate to Scotland. We had a purchaser at the asking price for the whole and the sale was agreed after a delay due to the sudden death of my father in October 2008. This coincided with the start of the banking crisis and the purchaser had to pull out due to financing difficulties. The farm was then re-marketed but with little new interest, consequently our agents advised to re-launch in the Spring of 2009.

The spring re-launch attracted new viewings and another potential purchaser came forward, informally offering the asking price for the whole subject to obtaining finance.

We had a letter from Ardent/Chiltern on the 7th April 2009 informing us about the Evergreen 3 Project and stating that the College Farm No2 level crossing would be replaced by a bridge, in terms of its effect on the marketing of the farm, this was seen as neutral to marginally positive by the potential purchaser and other viewers. The potential purchaser failed to raise finance.

Another potential purchaser came forward, interested in the whole, but would prefer to have bought just the 100 acres and buildings. In an effort to assist and secure this potential purchaser, on the 11th May 2009, we received planning permission to route an access track through the farm to the crossing/new bridge and as a 'last ditch attempt' we decided to market the eastern land as a separate lot, with no success. The neighbouring farmers to this block of land were approached but no offers were forthcoming. This block of land is obviously more valuable and a more attractive proposition with its existing access arrangement facilitating what is effectively a ring fence operation.

The sale process and decision making was halted again as my mother became terminally ill. The prospect was now such that we would have to move into rented accommodation in Scotland until the farm was sold, as the children were booked into start new schools in the autumn. There was now no prospect of my mother making the journey North, so with all these thoughts in mind, we decided to abandon plans to sell and move to Scotland.

On the 26th June 2009 a letter was written by Chiltern saying that they were no longer going to build a bridge. An alternative means of access was not specified.

Although we still had no written confirmation that an access will be provided, we were eventually informed, verbally, that the potentially severed land would be accessed from the Merton-Islip road with an access drive constructed over a neighbour's land. Your letter of the 17th May 2010 confirmed this.

Under normal circumstances it would be expected that we might have been more vocal in our objections at an earlier stage, but personal circumstances have distracted me from this until now.

This provides detail of the background and the events that led to the current misunderstanding between Ardent/Chiltern and ourselves.

2. Noise and sudden movement of trains and the effect of on the horses and the free range hens.

We have a well established livery yard as an integral part of the farming business, with regular hacking around the farm on both sides of the railway. The existing Chiltern train traffic is very considerably slower and much quieter quiet compared with the traffic we anticipate. Riders can hear the approach of the slow train so have some warning and can move to a safe distance from the railway before it passes their position. This is unlikely to be the situation with more numerous and much faster trains, particularly when all the green cover and trees will have been removed as part of the works process. Following conversations with the proprietors, I am aware that similar health and safety concerns have been expressed by at least one other equine businesses along the line, Wendlebury Gate Stables. I suspect that the upgrade of the railway will probably render our farm useless for hacking and this will have a serious impact on our business, albeit difficult to quantify, so some form of mitigation measures are required, but none have been proposed by Chiltern.

A further point to consider is the effect on the free range laying hen enterprise located in two sheds approximately 250m from the railway. The trains passing shouldn't affect them but the blast of their horns will when they are used. Whenever existing trains blast their horns, the hens make a panicked dash back to the sheds for refuge, this is relatively infrequent at present so of minimal identifiable financial damage, but if this blind panic becomes a regular occurrence, perhaps several times daily it will damage the business possibly to the point of cessation. The outcome of this induced panic will be hens smothered within the sheds and an impact on the egg shell quality that will result in downgrading a proportion of the eggs from Class A to Class B eggs (approximately a 75% reduction in value per egg). Whilst I appreciate there is a need for blasts of the horn from an occasional safety point of view, the train operators need to make their drivers aware of the serious issue, and the designers of the infrastructure need to design-in some form of mitigation/sound attenuation along sensitive sections of the line, perhaps suitably positioned lengths of fencing. Our plans to expand the free range hen enterprise has now been put on hold until we can assess and quantify this issue on the existing units.

To be absolutely clear, most horses and riders will not simply get 'used to' this sudden noise impact as has been suggested, and the hens will never get 'used to' the blasts of the horns. Those are two indisputable facts, and some form of sound attenuation would be absolutely necessary. Without significant sound attenuation the futures of both enterprises are in serious jeopardy, with potentially catastrophic effects on the business.

3. New Access

It is proposed that the new access road runs more or less parallel with the M40 (north-east bound) from the Merton-Islip road. This will result in a considerable additional length of road that will require maintenance and therefore additional future expense. I expect the proposal will be to have a hardcore/stone surface to the road. In order to avoid the inevitable additional expense associated with its deterioration, it is essential that the new road has a concrete or tarmac surface.

I am unsure of the flood water levels over the land to the south east of the Langford Brook, but the land to the east of the M40, closer to the Langford Brook, floods regularly in the winter. Consequently the access road will need to be raised above the existing field level at the M40/Langford Brook intersection, by approximately 5-600mm.

These are practical considerations that ought to be addressed now. I am unsure of potential recourse that we have once the Inquiry has taken place, if the as yet un-designed details are sub-standard.

4. Buildings

You may be aware that the potentially severed block of land was in the Upper Thames Tributaries Environmentally Sensitive Area Scheme and has been managed as extensive grassland. This land is now just out of the scheme, and it is clear that if it is put into the HLS scheme that was being considered, it would become significantly reduced in short and medium term fertility with the inevitable effect on productivity. The alternative options open to us are to plough the land and put it down to cereals, or to improve the existing grassland and stock it with cattle.

As part of our strategy for continuing the farming business at College Farm rather than relocating, we are to reintroduce the beef suckler herd. We have some housing capacity at the farm buildings to the north west of the railway, but insufficient space for all the cows, followers and store cattle. There needs to be some accommodation and handling facilities on the potentially severed land. This would be avoidable if we have a bridge at the existing level crossing site, but in the absence of the bridge, the severed land would effectively have to operate as a separate unit, so we would require Chiltern to provide the necessary planning permission, building and hardstanding.

5. Badgers

We are aware that the badgers and their sets are protected by law, and we would welcome some clarification on how and where they are to be relocated. The relevant authorities ought to be aware that the increasing numbers of badgers are increasingly becoming a serious predator hazard to the free range hens, and any relocation proposals ought to be the subject of discussion please.

6. Services

20mm and 3/8" water pipes have been installed through the drainage culverts beneath the railway for at least 45 years, replaced and repaired periodically. We need appropriate sleeved culverts placed beneath the railway line to ensure that the pipework can remain in place and be repaired/replaced with ease as and when appropriate. The alternative would be for Chiltern to provide a new supply from Merton.

7. Network Rail Rights

I do not believe that Network Rail/'British Rail' have any rights of access through the farm.

8. Professional Fees

I'm not sure of the conventional situation regarding agent's fees, but the arrangement when the M40 was proposed was far more satisfactory, as agent's were able to work on behalf of the landowners in the knowledge that they would be paid.

At the very least, surely all reasonable pre-inquiry agents' fees should be reimbursed by Chiltern if the Evergreen 3 Project proceeds?

9. Mitigation

The letter of the 17th May 2010 asks for mitigating measures to be proposed, so I have set out some key points below for your consideration please (I have also provided some details of some of the cost estimates, please see the summary sheets attached):

9.1 A bridge in the existing alignment of the level crossing.

I am aware that there is a considerable cost associated with building a bridge, but with all due respect this should be Chiltern's problem, not ours.

The estimated realistic cost of the bridge is likely to be in the range of £1.5 – 2.5M. In order to make realistic cost comparisons, we need to know an accurately costed figure for each bridge. Please may we have sight of such a costing, including a fully costed and independently prepared Bill of Quantities for the bridge that would be potentially provided at College Farm No.2 crossing, including the works to the approach and the realignment of the high voltage electricity line. Note that the current 'level crossing' is approximately 2.5-3m higher than surrounding field level at this location. In preparing our mitigation measures we have had to use our own estimated costs.

9.2 If we are denied the bridge that was promised, we should be compensated for the associated losses, costs and inconveniences. A simple option would be for Chiltern to purchase the potentially severed land from us so that we could reinvest in land with a more convenient access and proximity to our remaining farm. If this approach was to be adopted, please note that items 9.8, 9.9 and 9.10, below, would still be relevant and required mitigating measures.

If Chiltern bought the 140 acres for £6,000 per acre, then built the access and resold the land, the net cost to Chiltern could be as low as £480,000.

If neither 9.1 nor 9.2 were adopted, the Chiltern would need to provide the following:

9.3 The access road to the severed land should be provided to the same functional standard as our existing access to that land, and to a similar maintenance liability. Our existing access is owned by me and so too should the proposed access, not simply a grant of rights over someone else's land. So in summary, the access should be constructed to be above the winter flood level, it should be surfaced with a hard wearing concrete or tarmac, and we must own the freehold.

9.4 The route of the access road should be adjusted from that currently proposed by Chiltern. I attach a drawing that illustrates the route, which would provide access to an appropriate area where the cattle barn would be located, out of the flood risk zone 2 or 3. It would be possible to make use of an existing farm bridge over the brook that runs from Wendlebury to the Langford Brook, further saving Chiltern some cost.

9.5 The cattle building would need to accommodate a minimum of 75 cows for feeding, bedding, handling and calving areas (75no. @ 7 sqm/hd) totalling 525sqm concrete floor internally and a 300sqm concrete surfaced hardstanding for storing silage bales (no detailed design carried out yet). I would expect Chiltern to provide the necessary planning permission and construction costs for item nos 9.3, 9.4 and 9.5.

9.6 Water and electricity supplies will be required at the barn, provided by Chiltern.

I have estimated the cost of points 9.3, 9.4 and 9.5 collectively (please see the attached sheets) at £693,510.

9.7 The timing of the construction of the access drive and the bridge over the Langford Brook is obviously important, this will need to be completed with the early stages of construction work.

9.8 On site and Off Site Planting

The attached plan illustrates proposed areas to be planted by Chiltern. This mitigation measure, and 9.9 and 9.10, below, will be required even if Chiltern build a bridge over the railway (9.1).

The cost of the planting would depend upon the scope and extent of the work. Off site planting could be carried out on our land, which wouldn't incur land acquisition costs.

9.9 Sound Attenuation

The plan indicates where sound attenuating fencing should be located, provided by Chiltern. Note that this would need to be an effective screen, despite the height of the embankment.

The costs of this element will depend upon the geometry of the reconstructed railway embankment, so I don't have adequate information to be able to estimate a cost for this yet.

9.10 Agent's Fees

Like most farmers, I don't possess the appropriate skill set to represent myself and negotiate with Chiltern or its agents, consequently, if the impact of the Project is being imposed upon us, all reasonable professional fees ought to be paid by Chiltern from the outset.

10. Summary

The Evergreen 3 project may be necessary and 'in the public good', that isn't for me to say, if it is, then so be it. But those people that are injuriously affected by the project should be reasonably compensated for that nuisance, damage or cost, to a point where they have no net detrimental effect.

I have set out a shopping list of mitigation measures, none of which are unreasonable. I have attempted to illustrate costs for as many of the option elements as I can.

I have suggested four 'costed' scenarios:

Option A, where Chiltern build us a bridge on the same alignment as College Farm Crossing No.2, with an estimated cost to Chiltern of £1.5 – 2.5M.

Option B, where Chiltern purchase the severed land from me. Then if they wish, put in the access and resell at an estimated net cost to Chiltern, including interest, of approximately £479,000.

Option C, where Chiltern follow their proposed plan with a new road from the Merton-Islip road running parallel with the M40 then with the railway to College Farm Crossing No.2, and then provide a cattle building etc at that point. This has an estimated cost to Chiltern of £868,230.

Option D, as Option C, except the location of the cattle barn is less remote from the access and the access is shorter. This has an estimated cost to Chiltern of £693,510.

Chiltern should be obliged to follow Option A. I think the next step would be to meet you on site with Chris to discuss our objections and the proposed mitigating approaches that I have detailed above.

I look forward to hearing from you.

Yours sincerely,

Tim Howard

Encs Plan with proposed mitigation measures
Spreadsheet with cost options estimated (2no.sheets)

Cc Chris Anstey, CRJ Anstey Chartered Surveyors

Wendlebury

Proposed Acoustic fencing at high level or adjacent to tracks

College Farm

Onsite and Off Site Planting

existing access route college farm No.2

Site of Proposed Cattle Building

existing bridge

Chiltern's Proposed access

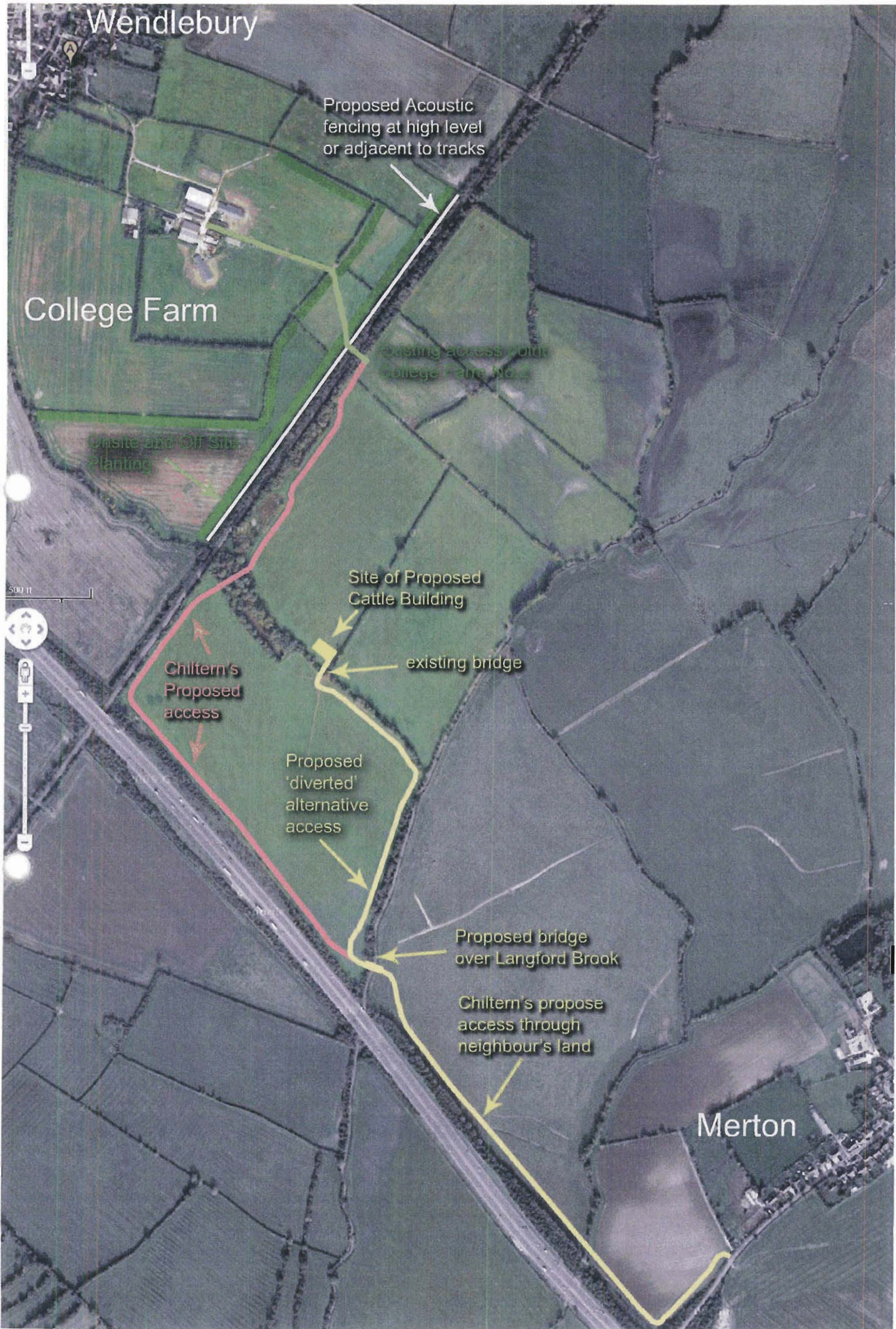
Proposed 'diverted' alternative access

Proposed bridge over Langford Brook

Chiltern's propose access through neighbour's land

Merton

500 ft



REPLACEMENT OF CROSSING: College Farm No.2

ACCESS OPTIONS FOR PART COLLEGE FARM, WENDLEBURY
(140acres to East of railway/M40 intersection)

Estimated Cost to
Chiltern Railways

Option D	Merton Road					
	Route 2 M40 to L/Brook then parallel in preferred position	with Brook, to extg bridge	Cattle building and hardstanding			
		m	/m			
1	Length of road	1720	119			204680
2	Access to Merton Road to highway spec	10000				10000
3a	Culvert and bridge to cross a) Wendlebury Brook	0	(existing)			0
	Cost of newt relocation					0
4	Bridge over Langford Brook	350000				350000
5	Acquire freehold of land from neighbour at Merton	950 x 6m	5700	at 19k/Ha		10830
6	Cattle Building					
	75cows @7sqm/nd	525sqm				75000
	concrete hard standing	300sqm				15000
	cattle handling					5000
	electricity supply	15000	(est?)			15000
	water supply	800m				8000
Total						<u>693510</u>
					D	693510

Appendix 6 Letter (2nd September 2010) from Tim Howard to Paul Clarke with revised mitigation proposals, following the site meeting.

Mr Paul Clarke
Associate Director
Ardent Management Ltd
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2nd September 2010

Dear Mr Clarke

Chiltern Railways (Bicester to Oxford Improvements) Order Objection No. 242

Further to our meeting with Chris Anstey at College Farm, I am writing with a summary of the information and background that I believe you require.

Our position is that we still believe that we are entitled to have the bridge over the railway in place of the existing crossing. I do understand that this is expensive and no doubt unpalatable to Chiltern, but I do not believe that this should be our problem, not least because Chiltern's venture is a commercial one, and no doubt aimed at providing a profitable operation for its shareholders.

Whilst not prejudicing that position, we discussed potential mitigating measures that Chiltern might consider.

As discussed in previous correspondence, Chiltern are proposing to provide us with an alternative farm road to the land, with access to the Merton Road. This results in the severed land being farmed as a separate unit by necessity, as it can no longer be a seamlessly integrated part of the existing unit.

We have considerable family experience of livestock farming on separate blocks of land, and maintain that this can only be carried out satisfactorily by having a separate set of farm buildings on each block/unit. Before going into any detail about the requirements for buildings it is appropriate just to recap on some of the relevant background, some detail of which I don't think I have explained in enough detail to you yet.

Early in 2008, we agreed a purchase of the adjoining 45 acres and buildings (Larkhill 'B') from my brother, with the intention of re-introducing the beef suckler herd there and expanding in due course. These are the buildings that we showed you at the end of our meeting. We previously had a suckler herd on the farm, which we sold in favour of the livery business, which we established in 2002. The concept of relocating to Scotland quickly became a reality so re-establishing the suckler herd at College Farm was put on hold as we would do this in Scotland, and purchase the cattle/calves there to save moving them, the whole process would be made logistically much more straightforward by delaying its establishment. As you know, the relocation plans were changed, so the establishment of the suckler herd would now be back at College Farm, not in Scotland. We re-engaged with the establishment process in earnest in the Spring of 2010, but the price of beef cattle and calves in particular was unfavourable, so the purchase of the first batch of 40 Simmental x Friesian heifer calves was delayed until this Autumn (2010) and the next batch would follow in either 6 or 12 months. This is still our intention, so although the implementation of the plan has been somewhat extrapolated, it remains intended as it was before the farm sale debacle and the subsequent announcement from Chiltern regarding the Evergreen 3 project.

Hopefully that provides a little more background detail regarding our longstanding intentions.

The severed land will be approximately 140 acres, which will be adequate to maintain a suckler herd of at least 100 head with calves and followers. If Chiltern do build the bridge over the railway, we will be able to maintain the intimate link between the grazing & silage ground with the buildings, so we would extend the buildings at Larkhill 'B' to accommodate the entire herd and followers during the winter months. The existing barns recently purchased will accommodate 55 cows with calves (584m² inc 2no. runs of 18.5m feed barrier). I attach a sketch with layout and dimensions, showing the existing structures. On this plan I have shown an additional 'hatched' area (an additional 386m²) that would be the extended footprint of the barns to accommodate the full herd, note that 100 cows will require feed barrier space of 650mm/head, which is the main limiting factor here. The existing straw barn along with the straw barn space at the main farm buildings and silage pits would cater for the entire suckler herd at full strength without further extension to those facilities.

So effectively, we are expecting Chiltern to provide the facilities that we would not have to construct if the bridge was built for us over the railway. We would still be building the extension to the barns at Larkhill 'B', so it would be unreasonable to ask Chiltern to do that element on the severed land. To clarify we will require the following to be constructed for us on the severed land:

1. Access

We discussed the route of the proposed access and its geometry. The access must be owned by us and it must be fit for purpose. It should be constructed to provide dry access all year round. The road should be surfaced with an appropriate wearing course of either tarmac or concrete. Passing bays would need to be provided at appropriate points along the length of the access. It would need to be fenced to avoid the escape of stock. The access would need to be complete before our existing crossing is closed, so the contractor would need to be instructed to complete these works early in the programme.

I gather that you will be constructing the access for maintenance purposes. We would be happy to grant the relevant bodies responsible for maintenance, reasonable access, with their share of any upkeep proportional to their use.

You will see on the attached plan that I have rationalised the proposed 'farm only' section of the drive to be as short as possible, to the preferred location, which is outside the EA flood risk zones 2 and 3.

2. Buildings

2.1 Cattle Building(s)

The cattle building provided by Chiltern should be a minimum of 584m² (equivalent to the existing cattle barn at Larkhill 'B'), incorporating at least 2no. 18.5m lengths of feed barrier (to accommodate 55 cows and calves). The balance of the barn area to accommodate the remainder of the herd would be undertaken by us in due course, but should be included within the overall planning permission from the start, ie a total of 970m² for the cattle building itself.

The cattle building would need to have the appropriate cladding, feed barriers, gates and handling areas, concrete floor throughout and appropriate drainage. We would need to discuss the exact detailed specification.

2.2 General Purpose Building(s)

The cattle will require a minimum of 1.5t straw per head, at 13.5m³/t, the straw storage should be a minimum of 1950m³ for 100 cows and followers. (NB This volume is currently available at Larkhill 'B' and the main farm buildings, but would be effectively unavailable to the severed unit).

2.3 Silage Pits

100no. cows and followers will require 6t/cow, at 1.5m³/t, totalling 900m³. (NB This volume is also currently available at Larkhill 'B' and the main farm buildings, but would be effectively unavailable to the severed unit). The concrete pit sides can be up to 3m high, the floor should be concreted to the appropriate specification. Dirty water drainage should be provided and sized accordingly.

2.4 Hardstanding Area

There needs to be reasonable provision for turning and manoeuvring to, from and between the items in 2.1, 2.2 and 2.3, above, a further allowance of approximately 300m² of concrete area should be made.

I believe that you don't want me to provide an estimation of the potential construction costs as your engineers will do this. Perhaps if any items are unclear, they might contact me to discuss in more detail.

3. Services

3.1 Electricity

This would need to be provided by Chiltern, it could be routed from either Wendlebury or Merton subject to Scottish and Southern's approval.

3.2 Water

There is an existing water supply under the railway from College Farm, but this would be inadequate for the provision required. A new supply would be required from either Wendlebury (College Farm) or Merton.

4. Planting and Acoustic Attenuation

There is a requirement for planting and acoustic attenuation, particularly to the northwest of the railway, facing College Farm. I understand the potential difficulty providing this 'on site', but I believe that Chiltern ought to be acknowledging the visual impact to neighbours and the wider community and making provision for off site planting, particularly where landowners are able to make the land itself available at no cost to Chiltern. It is worth remembering that when the M40 and A34 were built, we were approached by the Department of Transport, which was very enthusiastic to discharge its environmental responsibilities in this respect. A similar approach should be adopted by Chiltern, any less is an abdication of its responsibilities to the wider environment, 'existing' public transport or not, there is still a material change in the operation proposed and the appropriate obligations should be respected.

5. Potential Future Claims for Compensation

At our meeting we discussed the potential impacts of the Evergreen 3 project on the livery and hen enterprises, and it is impossible to judge the severity and nature of those impacts upon the business at this stage. Consequently, any future claim for compensation for this would be addressed by under the compensation rules, with some form of independent arbitrator involved if required.

We didn't discuss the potential impact during the construction period, which could be significant and prolonged, presumably the same mechanism could be applied here.

I look forward to hearing from you.

Yours sincerely,

Tim Howard

Tim Howard

Encs Plan with amendments to proposed mitigation measures
Drawing of the existing buildings at Larkhill 'B'

Cc Chris Anstey, CRJ Anstey Chartered Surveyors

Wendlebury

College Farm

Proposed Acoustic
fencing at high level
or adjacent to tracks

Onsite and Off Site
Planting

existing access point
College Farm No.2

Site of proposed
cattle buildings and
silage bunkers

existing bridge

Chiltern's
Proposed
access for
maintenance

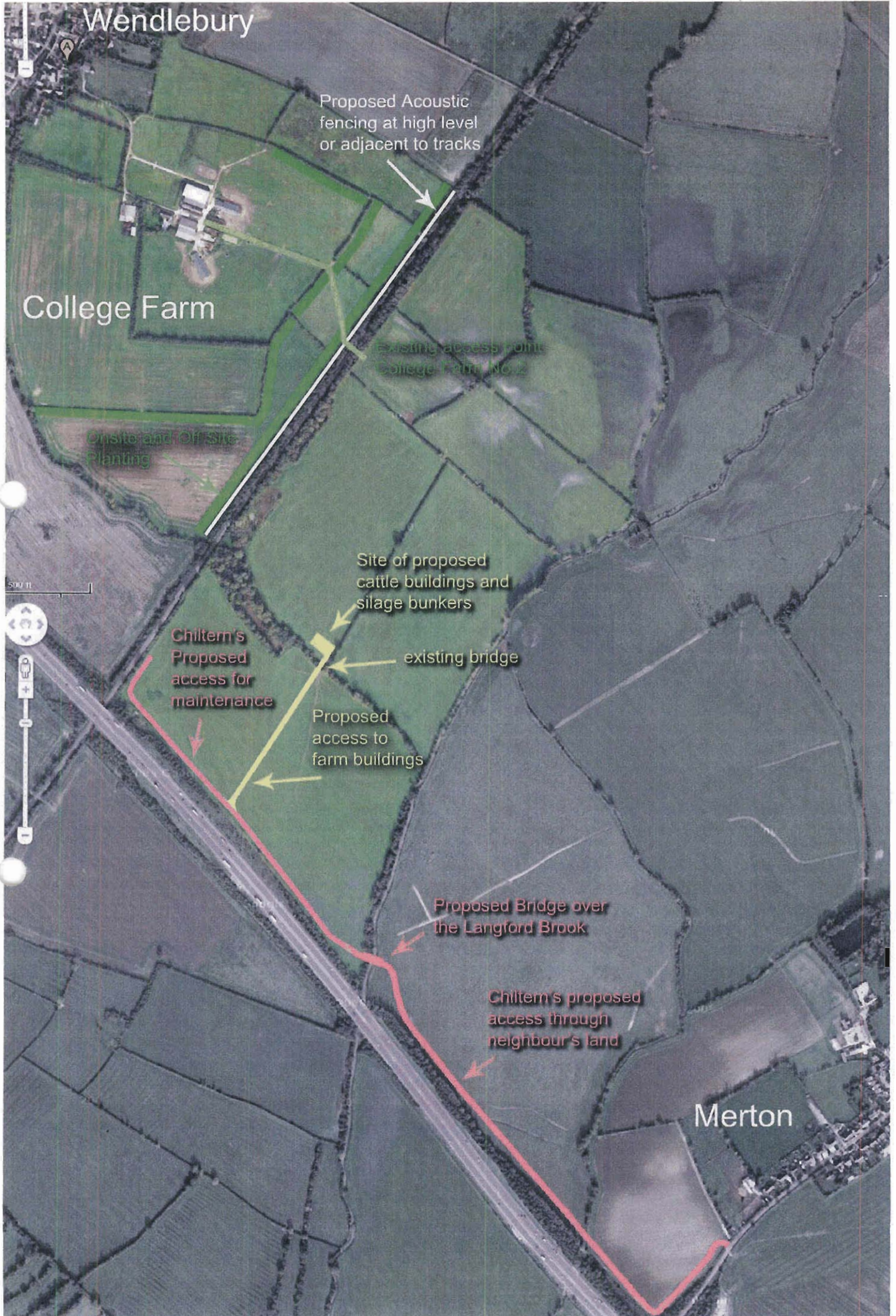
Proposed
access to
farm buildings

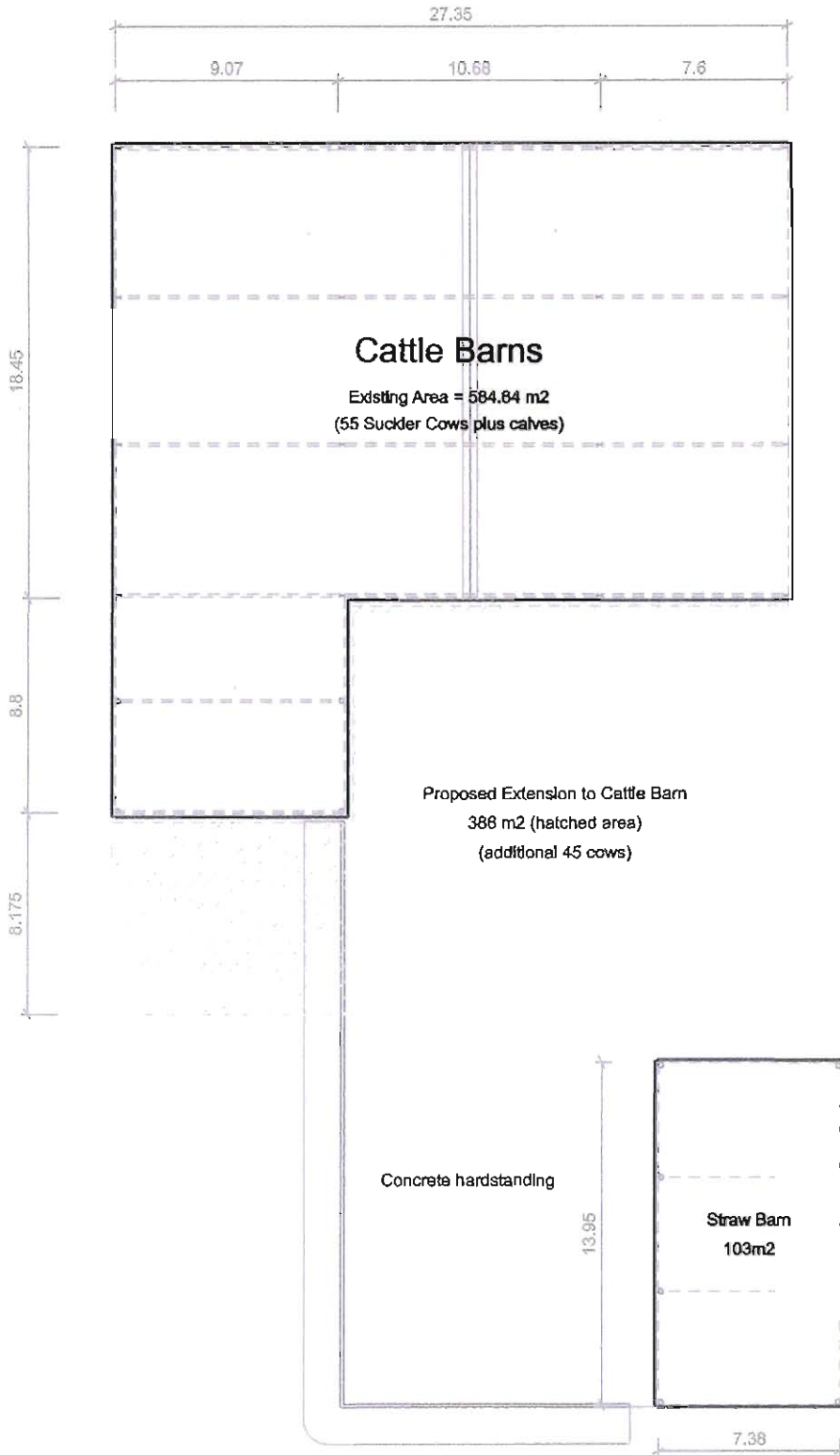
Proposed Bridge over
the Langford Brook

Chiltern's proposed
access through
neighbour's land

Merton

500 ft





Cattle Barns
at Larkhill 'B'
College Farm
Wendlebury

