

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

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

**IN RELATION TO
THE OBJECTION AND EVIDENCE OF
PAUL & DENISE WEST**

1 Introduction

- 1.1 This rebuttal proof of evidence updates CRCL/R/OBJ12 following the receipt of two letters from the Objectors that raise additional points to their evidence.
- 1.2 A letter dated 5 November 2010 and a following letter dated 30 November 2010 (produced in Appendix A) raise the following issues.

Letter dated 5 November 2010

- 1.3 The Objectors state that recent legislation, from the Countryside and Rights of Way Act through to various other acts, has been to improve access to public places for all groups. The Objectors states that the proposed footbridge is discordant and does not comply with statutory requirements.
- 1.4 As set out in paragraph 3.8 of **CRCL/R/OBJ12**, the construction of this footbridge, both in its design and placement meets all the requirements of the Oxfordshire County Council, as highway authority and other statutory requirements. Cherwell District Council, as a local planning authority, has no objection to a stepped footbridge at this location. Therefore Chiltern Railways maintains that the proposed footbridge does comply with statutory requirements.
- 1.5 The Objectors state that Langton Brook Linear Park is designed to meet all recent progressive measures. The Objectors state that the proposed footbridge will be completely incongruous, it will restrict access for the very young and the elderly, for cyclists and dog walkers. To horse riders and disabled people it will be insurmountable.

- 1.6 As set out in paragraph 3.6 of **CRCL/R/OBJ12**, the construction of a footbridge over this railway, will not reduce access to the Objectors land. On both sides of the London to Birmingham mainline access is via an unmade public footpath which currently not suitable for the range of users suggested by the Objector. It should be noted that the path is a public footpath [FP 129/3] not a bridleway which exclude use by cyclists and horse riders.
- 1.7 The Objectors suggest that the obvious solution is to replace Langton Brook culvert, under the railway, with a tunnel to accommodate the brook and a footpath/cycleway. The proposed footbridge compromises the ideal for open space for the community, which would allow non car transport from recent residential development at Launton Road/Langford Village to Bicester Town Station.
- 1.8 The Objectors' proposal has already been considered and rejected for the reasons set out in paragraph 3.10 of **CRCL/R/OBJ12**.

Letter dated 30 November 2010

- 1.9 The Objectors state that they refer to South East Bicester Development Brief, Bicester Local Plan and David Lock Associates map of Development North of Gavray Drive. The Objectors state believes these local authority documents variously describe requirements for open space. The Objector states that consequently they show how access to their land would be improved. The Objector states that they also highlight the inadequacy of the proposed footbridge and the link as an aberration.
- 1.10 The Objector has not provided the documents, or extracts of the documents, for the South East Bicester Development Brief, Bicester Local Plan or the David Lock Associates map of Development North of Gavray Drive. None of these documents form part of the statutory framework or the evidence base for the Local Development Framework.
- 1.11 Chiltern Railways is unaware of any statutory plan called the South East Bicester Development Brief. The relevant local plan is the adopted Cherwell Local Plan 1996 [**CRCL/INQ/40**] with an emerging policy in the form of the draft Core Strategy for Cherwell **CD/4.12**. Paragraph 3.7 of **CRCL/R/OBJ12** sets out the relevant planning status of the site.
- 1.12 The plan referred to is believed to be the development framework plan which forms part of the approved permission for housing at Gavray Drive (Cherwell planning permission reference 04/02797/OUT). This is a schematic master plan reproduced in Appendix IMG 11 of **CRCL/P/12/B**. The development North of Gavray Drive can only link the Objectors' land via estate roads, and does not support their claim that this would improve access to their land.

In response to Chiltern Railways Rebuttal

- 1.13 The Objectors, in their letter dated 30 November 2010, responds to Chiltern Railways rebuttal proof [**CRCL/R/OBJ12**]. Having considered this letter, Chiltern Railways maintains that the case set out in **CRCL/R/OBJ12** in paragraphs 3.6, 3.7, 3.10 and 4.1, remains valid.

2 Conclusion

- 2.1 This update to the rebuttal proof is in response to letters received from the Objector as 5 November and 30 November 2010. Chiltern Railways maintain their position as set out in **CRCL/R/OBJ12**.

Appendix A

CRCL/R/OBJ12

Relevant Correspondence
between Chiltern Railways
and the Objector

**4 Elderdene
Chinnor
Oxfordshire
OX39 4EE**

Mr P Gibbard
Ardent Management Limited
PO Box 350
Wokingham
Berks RG40 3YD

November 2010
Your Ref: PC/P3.2.3.15/EG3/001

Dear Mr Gibbard

BICESTER LINK – FOOTPATH NO. 129/3

Thank you for your letter of 27 October 2010 in which you ask for an explanation of my views on the proposed footbridge to carry footpath 129/3 over the Bicester Link intersection.

The gamut of recent legislation, from the Countryside and Rights of Way Act through to various acts to enhance the standards for disabled persons, has been to improve access to public places for all groups. As the proposed footbridge is discordant with that ideal I disagree with your assertion that it complies with statutory requirements.

Langton Brook Linea Park (L.B.L.P.), by contrast, is designed to meet all recent progressive measures. It will be transversed by combined footpaths/cycle ways some three metres wide, tarmaced and with sufficient lighting to minimise risk of accident or crime. The Launton Road and Langford Village extremities of L.B.L.P. already include these facilities and will be included in the open space areas either side of Bicester Link. The proposed footbridge will be completely incongruous: it will restrict access for the very young and the elderly, for cyclists and dog walkers. To horse riders and disabled people it will be insurmountable. For myself, it will make my land, to the north of the Birmingham/London railway, inaccessible for any commercial or maintenance purposes.

The obvious solution is to replace the Langton Brook culvert, under the railway, with a tunnel to accommodate the brook and a footpath/cycleway as detailed above. L.B.L.P. is of unique importance, not only as a major open space for the entire community, but also to allow non car transport from recent residential development at Launton Road/Langford Village to Bicester Town station. The footbridge compromises that ideal and will be aesthetically obtrusive.

I hope this makes our position clear and we look forward to hearing from you.

Yours sincerely

Paul West & a. West

Paul and Denise West

4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

Mr P Gibbard
Ardent Management Ltd
PO Box 3050
Wokingham
Berks RG40 3YD

30 November 2010
Your Ref: PC/P3.2.3&5/EG3/001

Dear Mr Gibbard

I am now in receipt of Chiltern Railways rebuttal being, essentially, copies of our recent correspondence. My letter dated 5 November 2010 in response to yours of 27 October 2010 is omitted: that is regrettable as it appears I have failed to reply, but, more importantly, it comprehensively details my objections to the proposed footbridge. As it does raise additional points would you kindly confirm you received it and amend your rebuttal accordingly in particular, your introduction para. 1.2.

My argument throughout is that the proposed footbridge, as the only pedestrian crossing of the main line between Launton Road and the northern bypass will be woefully inadequate. To support my argument at the enquiry, I will refer to South East Bicester Development Brief, Bicester Local Plan, David Lock Associates map of Development North of Gavray Drive. Those local authority documents variously describe the requirements for formal open spaces, they detail the construction and routes for cycles/footways and give the location for a community centre (for the elderly) and a new primary school. Consequently they show how access to our land would be improved. They also highlight the inadequacy of your proposed footbridge and the link as an aberration.

I will make but brief comment on some points raised in your rebuttal using your paragraph numbers.

- 3.6 Access to our land will be impeded – even a rural footpath and narrow pedestrian tunnel is easier to negotiate than a footbridge with several flights of stairs. When the cycle/footway network is completed it will be useable by all groups which is the ultimate objective.
- 3.7 This development is incumbent on the developers creating a linear park following the contours of Langton Brook.
- 3.10 A new subway could provide access under the new chord and the existing railway. Properly designed it could create an attractive feature in the park, available to the elderly and young, to cyclists, dogs and those reliant on mobility aids, including electric scooters.
- 4.1 In time, certainly with the next decade, when the surrounding parkland is completed up to the standards required by Cherwell District Council, the proposed footbridge will become an eyesore and will spoil the enjoyment for many people simply because, in the short term, it's a cheap option.

If appropriate, I will address your other points at the enquiry.

With kind regards

Yours sincerely

Paul and Denise West