

# Statement and Questions from the Wolvercote Commoners' Committee to the Enquiry regarding the Chiltern Railway Proposals

## 1. Background and locus standi of the Wolvercote Commoners' Committee.

The Committee was set up on 6<sup>th</sup> March 1929 to take over the functions of the former Parish Council with respect to the various Commons in Wolvercote. Many of the personnel of the old Council served the new Wolvercote Commoners Committee. The Parish Council was not the first body to manage the Commons. The rights of Wolvercote Commoners were extended in 1562; they were confirmed in 1279. Before that even, grazing on the Common had been recorded in the Domesday Book, and archaeological evidence shows that the land was communally grazed in Bronze Age times. Other commons in England and Wales have been enclosed, absorbed into neighbouring farms, built upon, and in one way or another lost to the nation. One of the features that is unusual about Wolvercote Common is the tenacity of Wolvercote people in fighting to preserve their heritage. Almost throughout recorded history there have been attempts to enclose, purchase, exchange or build upon the commons. The Commoners Committee's predecessors had to fight major legal battles to maintain this ancient system of grazing, e.g. in 1553, 1649, 1762 and 1843. In 1892 an attempt to diminish Wolvercote Common by 2 or 3 feet along its Southern boundary led to an outbreak of physical violence, now referred to as The Battle of Wolvercote.

Paradoxically, the very antiquity of our Committee and its predecessors meant that we had relatively little documentary evidence of our authority. This was investigated in depth by an exhaustive and expensive public enquiry in 1985 when we challenged the City Council over encroachment on the commons that we alleged they had condoned. The Enquiry accepted the Wolvercote Commoners Committee's rights to manage the land and represent those with grazing rights over it. We have also been recognised by Oxford City Council, and Natural England. The question was also investigated by Sheila Cameron, QC (an expert on Common Land Law) when she was called in jointly by Oxford City Council and ourselves to resolve a dispute between us on the interpretation of the 1965 Commons Registration Act and ancient grazing practices on Wolvercote Common. On this occasion too the Counsel's opinion that was sought confirmed the propriety of the Wolvercote Commoners Committee representing the interests of graziers.

The public enquiry referred to above was concerned with alleged encroachment by Medley Boat Station on Port Meadow at the south-west end. It will be noted that the Wolvercote Commoners' Committee have legal rights over Port Meadow as well as over Wolvercote Common. These were established in the 16<sup>th</sup> century. We have seen the statement to the enquiry by Alison Cobb and Stephen Cobb dated 15<sup>th</sup> November 2010. Many of the points made in that paper relate also to the Wolvercote Commoners' Committee but we shall not repeat them here.

Our statements and questions relate mainly to that part of Port Meadow shown on section Work No 3 under the heading Transport and Works Act 1992 – Chiltern Railways (Bicester to Oxford Improvements) Order – sheet No 29 and 30. In particular we are concerned about plots 29011, 29010, 29009, 29015, 29018, 29012, 29017, 29016 and 29008.

## 2. Statement of General Principles.

We have already indicated to this enquiry our support for the proposed railway line which runs through indeed bisects Wolvercote. We are aware of the very legitimate concerns of householders living close to the railway line in Wolvercote but that is not the subject that this note is addressing. We are convinced that it is possible to run a railway line from Oxford to Bicester which will be on the eastern side of the existing tracks without requiring vehicles to be driven on Port Meadow which lies on the western side of the railway tracks. Our main objections are to the proposed increases in the number of vehicles allowed to drive on Port Meadow and the high level of probability that the system proposed will in fact result in an increase in unauthorised driving on Port Meadow in addition. I shall deal with this issue first and then other objections to the proposed works on Port Meadow.

### 3. The Driving of Vehicles on Port Meadow.

We hold the keys to Wolvercote Common at the north end of Port Meadow and to two other commons in Wolvercote. Our experience over the last 20 or so years has been that vehicle owners who are loaned a key to one of the commons drive through the gate and do not lock it and even on occasions do not close the gate after having driven through. This obviously allows stock to escape and unauthorised vehicles to enter the common. Our experience has also been that copies of keys are cut and handed to unauthorised users and that keys are loaned from the authorised user to others. On many occasions the keys are not returned to us and despite the fact that we know the organisation or individual who has borrowed the key it is still often difficult to retrieve the key e.g. if it is a large organisation like Network Rail who sometimes need access. We have had travellers camping on our commons because they have been able to gain access and it has sometimes taken many years to evict them with costs running into thousands of pounds in legal fees.

Vehicles and grazing animals do not mix. We have had claims from vehicle owners that cattle have damaged their vehicles while on the common and we have had claims from horse owners that their horses have been damaged. The more vehicles that are allowed on the commons the more likely it is that there will be claims made and cattle or horses injured.

If the scheme for increasing the number of vehicles authorised to drive on Port Meadow were to be approved which we would deplore we would need to see adequate insurance taken out to cover the risks and costs identified above and the heaviest possible penalties for key holders who lost their keys or lent them elsewhere. We would prefer Oxford City Council to take responsibility for limiting vehicle access rather than Chiltern Railways. However, as made clear above we regard this as an extremely ill considered idea.

### 4. Compulsory Purchase Order.

If it is true as I understand it has been stated by Chiltern Railways that there is to be no diminution in grazing land and hence no diminution in the SSSI why is a Compulsory Purchase Order necessary? We understand that a certain amount of land near the Aristotle Lane bridge may be required for works to improve the access to the bridge from the Port Meadow side. This would be of a purely temporary nature whereas a Compulsory Purchase Order can be permanent. If a Compulsory Purchase Order is made will there be an order to the effect that the land will be returned to the present owners and will this order have equal weight to the Compulsory Purchase Order? If such orders are made how long is the period that the land would be out of use for grazing?

### 5. Other Matters.

There is a section of the path leading west from the Aristotle Lane railway bridge which is not separately identified on the plan. I am speaking of the section of the path which runs from the end of the fenced part of the path westwards to the concrete track which formerly led to the refuse tip now Burgess Field. This is the section of the path running roughly east west further west than the gate at the end the fenced part of that path. This is at the moment an informal path perfectly acceptable to horses and cattle. Is it the intention of the proposals before us to upgrade this path e.g. with tarmac or concrete or similar hard surface? We would regard any improvement to tracks on Port Meadow as being a "disimprovement" to Port Meadow itself.

There are plots shown on the plan lying between the Aristotle Lane bridge track west of the railway line lying between that and the allotments e.g. plots numbered 29009, 29015 and 29018. If these plots of land are occupied by Chiltern Railways and their contractors during the course of construction of the railway we would naturally expect compensation for loss of grazing rights as I am sure would the Freemen of the City of Oxford.

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Wolvercote Commoners' Committee