

DEPARTMENT FOR TRANSPORT 2010
Transport and Works Act 1992
Transport and Works (Applications and Objections Procedure)
(England and Wales) Rules 2006
Chiltern Railways TWA Application 2010 to the Secretary of State

REBUTTAL PROOF OF EVIDENCE

Alexander M. Korsunsky
MA DPhil CPhys MInstP

Professor of Engineering Science and Fellow
Trinity College Oxford
Broad Street
Oxford OX1 3BH

Residential address:
35 Lakeside
Oxford OX2 8JF

1 August 2010

This rebuttal proof of evidence responds to the statements submitted by Ian Gilder, Michael Fraser and Allan Dare.

1. Incorrect baseline for assessments

5

The principal starting point of the submissions by the proposers and supporters is incorrect. The inquiry is invited to believe that it is discussing the proposal from Chiltern Railways (CR) for improved passenger service between Oxford and London that requires some improvement of the track between Oxford and Bicester to
10 accommodate light, quiet, modern passenger trains. It is not difficult to see this as a cause worthy of all-round public support.

In fact, the background to this proposal is rather different. Chiltern Railways (CR) proposal is the thin end of a wedge, a “Trojan horse”, and must be recognised as such.

15

Consideration of the business case makes it abundantly clear that the profit from passenger traffic alone is insufficient to justify going ahead with the scheme, even given the unrealistically high estimates of passenger numbers used by Chiltern Railways.

20

The same conclusion is arrived at by noting that CR insist on the need to deepen the tunnel under the Wolvercote roundabout to make the scheme “future proof” – despite the fact that this expensive operation is not required for CR’s planned passenger operation. This is also one element of the proposed improvement for which funding is
25 sought from the government.

In this context, the reference to the reduction of cost to the public purse made in Allan Dare’s evidence [CRCL/P/2/A] appears to be something of a mockery: the best saving, entirely justifiable at this stage, would be not to upgrade the Wolvercote roundabout
30 tunnel! Nevertheless, CR are adamant that the Wolvercote tunnel deepening is necessary. This reveals the true nature of their parent company’s ambitions: to enable the enhanced operation of freight service between Oxford and Bicester.

30

The weakness of CR’s business case revealed that their proposal is only viable as part of the scheme by DB and EWR to develop much larger scale freight operation. In the worst case (from the point of view of the residents) it may see traffic of up to 8 freight trains day and night. This must be used as the baseline for all assessments.

35

2. Incorrect environmental statement

40

Ian Gilder’s evidence [CRCL/P/12/A] claims that the Environmental Statement (ES) is a robust and transparent assessment that properly addresses the EIA Directive and TWA Rules 2006.

45

However, CR and ERM assessments do not contain the calculations for anything remotely approaching the worst case scenario, and are therefore inadequate as the basis for planning. CR’s and ERM’s claims that their ES goes “well beyond the minimum requirements of the Application Rules” must be read in this context: having chosen an unrealistic baseline, they can easily be self-congratulatory about their
50 imaginary calculations! Nevertheless, this does not make these calculations correct.

50

3. Failure to provide technical information requested

5 My repeated requests to ERM to provide technical information regarding their planning did not solicit adequate response. No graphs, formulas or calculations were provided, ostensibly because these “might be misleading”.

10 Evidently, Mr Gilder’s intention was to leave the business of being misleading for the face-to-face meeting that he offered to organise between me and ERM representatives, in order “to talk through my concerns”. By that time I could recognise this as typical of the CR and ERM approach: from the outset, there was no intention to address issues, only to placate concerns. Consequently, Mr Gilder flatly refused to provide any technical information prior to the meeting. I wonder whether the reason for this reluctance came from the low confidence that Mr Gilder and ERM have in the level of their own technical preparedness?

15 I state here once again, for information and as a point of principle:

20 Technical engineering discussions require preparation, careful consideration of numerical calculations and their basis, in order to establish the true relationships between various effects, and to make sound judgements. In the absence of such prior information, a technical meeting becomes a taking shop.

25 Since ERM refused to provide prior information, they made it impossible to hold a meaningful technical meeting. Since I was asking for technical information and not to “talk over my concerns”, the only logical consequence was for me to decline their offer. The outcome of this remained the same: CR and ERM failed to provide the technical information I requested.

30 4. Failure to carry out proper investigations of sound, vibration and soil quality

The claims by CR and ERM that their assessments of noise and vibration conformed to good practice do not reflect the truth. I refer to the evidence by Dr Robertson [OBJ/234] that demonstrates that measurements were taken and analysed in a selective and prejudiced manner that invalidates the conclusions drawn.

35 In my communications with Mr Gilder I pointed out the existing instances of subsidence in Lakeside over the last two decades that was particularly serious for the houses located closest to the track. The comparison of the ground conditions at Lakeside with those at Kings Sutton is neither helpful nor appropriate here. The properties of Oxford Clay are well researched, and its propensity to ‘heave’ and subsidence is documented. The fact must be taken into account that vibration, even at relatively low levels (e.g. beyond the 10 metre distance from the track) modifies the moisture uptake and release processes sufficiently to lead to long term settlement. This can cause very significant loss of building stability and damage to property.

45 The steps taken to discover documentary historical evidence of damage described in Michael Fraser’s Proof of Evidence [CRCL/P/9/A] were obviously inadequate. Indeed, I hold documentary evidence of underpinning work that had to be carried out on one of the Lakeside properties in 1995 in connection with subsidence. This highlights the fact that the problem exists in this area, and cannot nor must be ignored.

50

Given that I was able to locate this documentary evidence, I wonder why CR and ERM failed in this task? I can see only two possible explanations: either they were insufficiently eager to find anything, or that their capability to carry out proper analysis is somehow impaired.

5

5. Failure to consider/analyse proper alternatives and mitigation measures

CR and ERM's attitude to possible alternative routes has been cavalier and dismissive, on the grounds of all these solutions being too expensive. This reveals the proposers' fundamental attitude to this scheme as a means of extracting profit no matter what, at the expense of misery doled out to local residents. In this spirit, they dismiss the possibility of constructing a tunnel, despite the fact that the estimated cost of £20m is not dissimilar to that of the proposed Wolvercote roundabout deepening that the proposers insist on. Since the stated purpose of the proposal is to enable passenger traffic, and not freight service, then it seems a tunnel offers better placement of this expenditure!

10

15

Conclusion

20

In preparing the scheme, Chiltern Railways and ERM have failed in a number of important respects:

25

1. CR and ERM (possibly deliberately) used incorrect basis for cost estimates, business case and impact assessment. They would like to proceed under the pretence of focusing on passenger operation, when in fact the real interest of their parent company is in the profits from freight services.

30

2. CR and ERM generated an unrealistically mild and benign environmental statement.

35

3. CR and ERM felt so vulnerable on the technical issues related to vibration and noise that they repeatedly refused to provide the information requested from them. Their offer of having a meeting "to talk over concerns" without prior provision of technical data made mockery of the prospect of meaningful engineering discussion, and therefore deserved to be declined.

40

4. CR and ERM failed to carry out proper investigations of sound, vibration and soil quality.

5. CR and ERM failed to consider or analyse properly the alternative routes and/or mitigation measures.

45

In view of the above I reiterate my position:
that CR case is weak, and should not be allowed to proceed.

Professor Alexander M. Korsunsky