OBJ88/3

16 Quadrangle House
St. Peters Rd.
OXFORD
OX2 8BN

The Inspector
Chiltern Railways (Bicester to Oxford Improvements)
Transport & Works Act Inquiry

9/11/10

Dear Sir,

Re: the above Inquiry : Objector 88 (P.M.Napier ; DfT Ref: TWA/10/APP/01/OBJ 88) ; Further Positional Statement :

As agreed, I am providing a further Positional Statement prior to the date of my previously-requested opportunity to speak at the Inquiry.

I am still actively engaged in discussion with representatives of Chiltern Railways towards reaching resolution of all my points of Objection. On all points except B (ii) wordings in the current Draft Resolution Letter (attached as Appendix A)are at, or very close to, a form on which I can resolve those issues and Withdraw those points. However, resolution on almost all of them is subject to the receipt of satisfactory documents of clarification or confirmation (which could potentially raise further issues, but hopefully will not). I am expecting to receive these in time to be able to Withdraw those points before the end of the Inquiry.

My point B (ii) is still under active discussion, and the whole of that section of the Draft Resolution Letter has been extensively revised since the version attached as Appendix B to the Chiltern Railways Rebuttal Proof of Evidence (CRCL/R/OBJ 88).

I now accept the modelling of freight paths for both day and night, but there remains disagreement at present on the likely extent of take-up of those paths following Phase 2. (I apologise for not explaining clearly in my previous Positional Statement - of 28/9/10 - that at that time I accepted the modelling of daytime freight paths but not the take-up of those paths). An additional Further Question and Response has been added to the revised B (ii) section of the Letter to clarify the current divergence on this issue.

I am hoping that further discussion can bring our positions closer together, such that I may be able to Withdraw this point too. However, that remains to be determined.

(In regard to Chiltern Railways' Rebuttal Proof of Evidence, I do not entirely agree with all the outlines of my positions on the various points mentioned (as in paras. 3·3(c),3·7,3·13,3·18 & 3·22), but the Summaries of Issues and the Further Questions in the Draft Resolution Letter have been agreed with me, so they reflect my actual positions more precisely, and, when necessary, reference should be made to the wordings in my Proof of Evidence itself).

yours faithfully,

P.M.NAPIER

P.M. Napier: Further Positional Statement (9/11/10) Appendix A.
(Obj 88) (DfT Ref: TWA/10/APP/01/OBJ88)

5 November 2010

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Our Ref: 0110147/OBJ 088

Dear Mr Napier,

Chiltern Railways (Bicester to Oxford Improvements) TWA Order Application

As discussed, we are working towards a "resolution letter" to summarise all of the specific points that you have raised in your objection letter, and other issues that have been raised during our subsequent discussions. This letter summarises the responses that have been given to your questions, and indicates whether the issue is now resolved, or is still to be discussed. The purpose of this will be to show the Inspector the results of the constructive dialogue that we have had, and to highlight any issues remaining at Inquiry. But we still hope to satisfy all your points of objection before the Public Inquiry. We have agreed that this letter will form a draft of the resolution letter that we are working towards, and issues are tabulated and referenced to the numbering system in your objection.
(Note that CRCL=Chiltern Railways and QH=Quadrangle House in this letter)

Main Point	Sub Point	Summary of Issue	ERM/CRCL Response	Issue Status at 1/11/10
A	(i)	There are no ground floor flats at the rear of Quadrangle House (QH)	CRCL recognises that next to the line at the rear of QH there are 3 floors constituting a ground floor garage and 1st and 2nd floor two bedroom flats with no basements.	Under discussion
A	(ii)	The ES noise predictions do not refer to second floor flats	Although predictions were made for two floors in the ES (and repeated in the Proof of Evidence of Michael Fraser: Noise and Vibration ref CRCL/9/A), the building height assumptions were made cautiously to ensure a conservative approach. The building heights assumptions have since been refined, and modelling indicates that noise impacts at the second floor flats are no higher than the impacts that were reported at first floors in the Environmental Statement (ES). Mitigation is therefore expected to be at least as effective as reported in the ES.	Under discussion
A	(i) and (ii)	Further Issue: Can ERM: ensure that all databases, and other records are updated so that the terminology used to describe the floors at QH is consistent with the approach in A (i) above so that if data are subsequently used by the design contractor or others, it will be clearly understood where measurements and predictions and statements refer to.	All records and references regarding vibration monitoring at QH and noise modelling and noise mitigation which refer to floor levels or uses of floor levels at QH will be corrected accordingly in all information kept and/or passed on to the detailed design stage. Where documents have already been published with different descriptions, the attention of those involved in the detailed design stage, and/or mitigation decisions, will be drawn to the corrected information.	Under discussion

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B	(i)	ES does not consider specific ground conditions at Quadrangle House and its unique design and effects of these factors on vibration propagations. Vibration measurements are requested.	Since publication of the ES, measurements of existing vibration have been carried out in the ground floor and second floor of Quadrangle House. These have shown train vibration levels that are of the same order as those expected in the ES. Therefore, it is not expected that the soil conditions will lead to unusual propagation of vibration. The measurements at ground floor and second floor showed that although some amplification occurred (generally a factor of two between ground floor and second floor), this is not considered unusual for a building, and does not lead to levels that are higher than expected based on the measurements at King's Sutton in the ES. Ground floor freight measurements showed PPV vibration magnitudes up to 0.7 mm/s (excluding the stone train which is discussed below). The average of the freight trains at ground floor was 0.5 mm/s, which compared with the average at second floor of 0.8 mm/s.	. Under discussion
		ES does not consider stone train	Vibration from a stone train has been monitored at ground floor (on the 30.07.2010 at approximately 08.15am) and was found to result in a vibration magnitude of 1.0 mm/s PPV which is not significantly higher than other freight train vibration levels which ranged up to 0.7 mm/s.	Under discussion
		Freight trains will be larger	The maximum axle weight will, in future, be 25.5 tonnes, the same as it is now. This is normally only fully used by	Under discussion

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B	(i) cont'd		trains carrying bulk materials, such as gravel or crushed rock. Most other freight trains are much lighter; the typical axle load on a container trains is around 17 to 18 tonnes. This is partly because consumer goods weigh much less and also because containers are transported by both road and rail, and their weight is constrained by the overall weight allowed for lorries. The length of the trains varies according market needs, and so is not affected by the Order Scheme.	
B	(ii)	The modelling that is used in the ES for predicting post phase 2 freight movements is based on current freight operations at Oxford Station, which does not sufficiently take into account the publication in September 2009 of the Department for Transport's Britain's Transport, Infrastructure Strategic Rail Freight Network: Longer Term Vision document (SFN), especially regarding increases in freight traffic, 24 hour working and Core Trunk Freight Route designation of this line after Phase 2. This is important for deciding Phase 2 mitigations. Further Question: Why are only 16 freight paths held to be available at night when no passenger trains will	After Phase 2, the use of the line by freight may increase on the section of line between Bicester and the Oxford North Junction, and freight trains may operate throughout the night. In this way some of the objectives of the SFN are taken into account in the predicted use of the line. The frequency of trains using the line will be limited by the capacity of the track layout and signalling system, and the need to offer a robust and reliable passenger service during the passenger service hours. The planning constraints for the maximum number of freight train paths is one per hour in each direction. However, experience of freight path usage suggests that this would be an unrealistic assumption. Therefore, a likely frequency of freight trains has been assumed based on the current freight operations through Oxford You are concerned that because no passenger trains will run at night, more freight trains might run instead. In theory this is true. In practice the number of trains will be limited by line capacity along the route, by junction	Under discussion

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B	(ii) Cont'd	run between 0100 and 0530 , and there are apparently more freight paths available at Oxford station?	capacity at either end (Oxford, Milton Keynes, Bedford) and by the line capacity on the connecting routes (West Coast Main Line, Midland Main line, etc). Network Rail have done a series of route utilisation studies (RUS) which deal with present and future capacity needs. (These can be found on the Network Rail website). However, these deal with route and junction capacity in general. The crucial thing is not that capacity exists in general, either now or in the future, but whether a path is available through a junction or over a route at a particular time when a particular train needs to run. It is this which will govern the number of trains that may run at any given time. The figures CRCL have quoted for 1 train path each way per hour are the planning scenario for the EWR route as a whole.	
		Further Question: Why is no <u>increase</u> in take-up of" freight "paths included in the modelling (other than rounding up), despite the freight traffic increase predicted nationally in the SFN (see SFN page 7 paragraph 3) and in the Great Western Region (of 30% by 2015- as reported in 'the Oxford Times' on 26/8/10 , page 30)?	The SFN predicts an increase in rail freight traffic nationally, and the sidebar to Chris Rayner's article in the Oxford Times 26/8/2010, which you have raised with Chiltern Railways, does refer to projected increases in freight traffic, including to/from Southampton, some of which may be diverted from the existing line through Oxford and Banbury after Phase 2 onto the Oxford-Bicester-Bletchley Line. CRCL acknowledge this and it is one of the reasons why the DfT have suggested that the Bletchley -Oxford route be part of the Strategic Freight Network. CRCL's forecast of future freight train operations on the line accommodate diverted traffic after	

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B	(ii) Cont'd		Phase 2. If you are seeking a definitive answer on what will happen in future, unfortunately, it doesn't exist; all we can do is give a reasonable scenario for planning purposes, which is the 1 train per hour in the ES.	
		Further Question: Since post-Phase 2 operations will begin several years into the future – current target is 2017 (CRCL/P/4/A, para.11-2) – should not a likely worst-case scenario, as in the ES, incorporate the DfT or Network Rail predictions of increased freight traffic in future, by including a predicted increase in take-up of freight paths at Oxford Station and therefore s proportionate increase in take-up of freight paths along the Oxford-Bletchly line after Phase 2?	Freight trains are not timetabled years in advance as are passenger trains, but are instead dependent on market demands (by way of example, the major determinant of the number of freight trains through Oxford is the competitive position of Southampton and Felixstowe ports; more ships docking at Felixstowe means less trains through Oxford). Therefore we cannot give definitive answers on freight train numbers or times.	
C	(i)	A noise barrier alone is insufficient mitigation for the noise impacts predicted in the ES on the upper floors of QH, but, if a noise barrier is used, no further mitigation will be offered for the residual impacts.	With a barrier in place, no further mitigation is to be offered solely for residual levels of ambient noise (LAeq.) less than 'High'. However, because Quadrangle House is one of the receptors very close to the tracks, CRCL is also going to implement other noise mitigation solutions, such as noise insulation to windows, to reduce noise at the upper floor levels, during the detailed design stage. Noise insulation is the additional mitigation proposed in CRCL/ P/9/A Table 14.	Under discussion
		Chiltern Railways to confirm that rail dampers	Since the ES CRCL has developed a Draft Noise and	Under discussion

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C	(i) Cont'd	and track infrastructure mitigation measures will be considered in addition to noise barriers to reduce the predicted residual impact.	Vibration Mitigation Policy. This policy sets out CRCL's approach to noise mitigation, and states that the Promoter is committed to using the Best Practicable Means (1) to design the railway so as to avoid significant noise and vibration impacts at existing sensitive receptors. The preference is to use noise control measures at source. These may include rail damping or other infrastructure measures to reduce noise at source. Where this is not sufficient to mitigate significant noise impacts, the Promoter will if effective and reasonably practicable, provide noise barriers to mitigate noise between the track and sensitive receptors. The use of rail dampers has not therefore been ruled out.	
C	(ii)	Points are proposed approximately 70 m north of Quadrangle House. A vent is located in the northern wall of my flat, through which I hear every train passing. This would mean that I would be exposed to noise levels above the levels that trigger noise insulation in the regulations.	The Noise Insulation Regulations apply to noise levels assessed at external locations outside of facades containing windows. This also applies to the assessment criteria used in the ES. Impact assessment criteria are applied externally because the particular structural deficiencies of individual properties cannot be considered by a Scheme Promoter. Predictions include the effect of the points, but this does not contribute significantly to the predicted train noise levels at the rear of Quadrangle House, which are dominated by the section of track directly to the rear of the property.	Under discussion
		It may be necessary for freight trains (and others) coming off the main line to be held here	There are no plans to allow freight trains (or other trains) to idle in the North Oxford area. Freight train paths will	Under discussion

(1) Best Practical Means are defined in Section 72 of the Control of Pollution Act 1974 as those measures which are "reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge

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C	(ii) Cont'd	to allow for trains to and from the station platforms to clear the line. This will create additional noise for Quadrangle House of freight trains braking to a halt and accelerating up from stopped.	be scheduled so that they do not need to idle. Specific freight loops have been incorporated into the design to allow freight trains to be passed by passenger trains, but none of these are located in the North Oxford area.	
		The points should be moved to a non- residential location nearer to North Oxford Junction	The feasibility of this has been investigated, but it has been found that although a suitable track layout was possible it was not possible to match this with a suitable signalling layout. Therefore, it is not intended to move these points. (CRCL will inform you, if it should later for any reason prove necessary to move them elsewhere).	Under discussion
D	(i)	The ES is not clear whether vibration mitigation will be provided at QH.	Page 6-42 of the ES recognises that Quadrangle House is close to or within 10 meters from the track and states that specialist resilient track forms will be used, if practicable, so that vibration from the new track at the nearest sensitive receptors will be no higher than levels specified in BS 6472 for a 'low probability of adverse comment'. The levels stated in the ES for mitigation are legally binding commitments by Chiltern Railways. Vibration mitigation will be carried out if those levels are reached (if practicable). The Draft Noise and Vibration Policy states that "Trackforms will be designed adjacent to occupied vibration sensitive receptor buildings using Best Practicable Means to keep within the guideline levels".	Under discussion
		A planning condition is required to ensure that	The requirement to build the scheme in accordance with the Noise and Vibration Mitigation Policy will be	Under discussion

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D	(i) Cont'd	this is provided.	enforced through a planning condition.	
D	(ii)	A planning condition is required to ensure that effective and sufficient noise mitigation is provided here.	The noise levels stated in the ES, above which mitigation will be implemented, are legally binding commitments by Chiltern. The requirement to build the scheme in accordance with the Noise and Vibration Policy will be enforced through a planning condition.	Under discussion
D	(i) and (ii)	Further Question: Will planning conditions ensure that both noise and vibration are sufficiently mitigated at QH.	Draft planning condition 17 in the latest draft planning conditions includes a commitment to "achieve the standards for noise and vibration attenuation set out in the Noise and Vibration Mitigation Policy". The methods to be used are as stated in C(i) and D(ii) above, unless the design contractor is able to achieve the required standards by other methods which are at least as effective or better.	Under discussion
Suggestion		The proposed line speeds of 30 mph for freight and 75 mph for passenger trains should be made binding. If possible a speed limit should be enforced of 25 mph for freight trains and 50 mph for passenger trains.	As well as the undesirable impact that this would have on London – Oxford journey times, it will also reduce the available layover time at Oxford. This is unacceptable from a timetable reliability perspective as the layover provides a buffer reducing the probability of a late arrival at Oxford resulting in the late departure of the return working to London. As reliability is critical to the success of this scheme, and given the presence of the single-track section between Oxford Station and Oxford North Junction (which gives rise to opportunities for late running trains in one direction, to delay trains travelling in the opposite direction) the additional running time associated with any lower speed in the built up area	Under discussion

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			Oxford is unacceptable and would jeopardise the viability of the scheme. The same would be true of a reduction in line speed on any other section of the route. Further information can be found in paragraphs 5.21 to 5.23 of the Proof of Evidence of Steve Barker.	
Other Questions				
		Will landowners be consulted or informed about the final decision regarding the type of mitigation to be provided?	The Draft Noise and Vibration Policy states that consultation with landowners and occupiers will be undertaken to ensure that where practicable a suitable form of noise mitigation is agreed during the detailed design process. This will be enforced through a planning condition.	Under discussion
		List of documents to be added 1. Noise modelling letter 2. Re-issued information letter 3. Copy of Draft Planning Condition 17 (as revised for vibration) 4. Confirmation (s) that all ERM data (etc.)regarding floor levels at QH has been corrected as per A ((i) & (ii).		