

OBS/15

STATEMENT OF CASE

Objection to Chiltern Railways (Bicester to Oxford) Improvements Order

Objector: Merton College
Merton Street
Oxford
Oxfordshire
OX1 4JD

Background

Merton College is an Oxford College who is a landowner affected by the proposal.

Merton College has been at the forefront of education and research at Oxford University since 1264.

The Merton College land holding that is affected, has, it is believed, been owned by the College since the Enclosure Acts and perhaps before, and the land for the existing railway line was acquired from them when the railway was built.

Over the years, the College has sold off land for development and the proceeds have been re-invested for its educational and research aims and purposes.

The land adjoining the railway is on the edge of Oxford and will inevitably be developed over the fullness of time creating further funds for Merton College's educational and research aims and purposes.

Merton College's land holding itself is irregular and straddles the railway line. The North Oxford Golf Course is partly owned by Merton College, Exeter College and The Oxford University Press (together with a very small area owned by the Golf Club itself). The current Golf Club lease expires in 2016. Merton College itself has an existing vehicular right of access across the railway line close to Pear Tree Hill Farmhouse known as "Nesbitt's Crossing". This is the link between the two parcels of land separated by the railway. Whilst this access has not been used for many years, it nevertheless exists and is marked for potential use in the future. The proposed scheme intends to stop up this right of access. There are no formal rights of access to this land across land owned by Exeter College, Oxford University Press (nor the Golf Club's own land).

There is currently footpath No.10 that crosses Merton College's land and the railway line.

Notice

Notice of Application to Acquire Land was received in January 2010 and this was acknowledged by the College Land Agent and Estates Bursar on 25 January 2010, copies attached at **Appendix 1**.

Notice was served on Exeter College also in January 2010, a copy of which is attached at **Appendix 2**.

Duplication

It must be noted that the plan (DP24008) attached to the Merton College application and the plan (also DP24008) attached to the Exeter College application are identical.

The reason for this objection is that the Order is incorrect, as such, it requires modification as an error has been made.

Notification of this Duplication

We were instructed to act on behalf of Merton College and raised a general objection to the scheme – a copy of our letter of 4 February 2010 is attached at **Appendix 3**. This clearly states;

"It appears that the draft order has served notice both on Merton College, DP No.24008 and also Exeter College in respect of the same area of land. Merton College does not share ownership with Exeter College and a mistake has clearly been made which needs to be rectified."

Response by Mr Clarke

Mr Clarke's letter in response is attached at **Appendix 4**. This letter was purportedly sent by email on 16 February but was only received after prompting on 2 July 2010, Mr Clarke stated in his letter;

"A mistake has not been made."

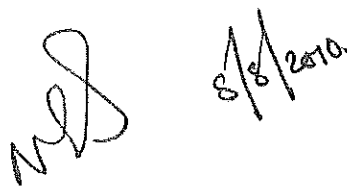
Conclusion

It is wholly erroneous for Mr Clarke to suggest "a mistake has not been made". It is a matter of fact that the small piece of land cannot be owned by the same parties. When the engineers and designers obtained details from the Land Registry, it should have been apparent that there was a Land Registry error and further due diligence was necessary to obtain correct details. Both Merton College and Exeter College are responsible and well-established bodies and enquiries to them direct would have produced the correct information.

Our letter of 4 February 2010 drew further attention to this which should have been acted on.

This error needs to be rectified, something that Merton and Exeter College are willing to assist with.

The objection on the ground that the Order is incorrect and requires modification as an error has been made is a valid one.

Handwritten signature and date: "MS" and "8/8/2010".

J S G Gloag MRICS
College Land Agent & Estates Bursar



Merton College
Merton Street
Oxford
OX1 4JD

Telephone: 01865-276356
Facsimile: 01865-286493
E-mail: john.gloag@merton.ox.ac.uk

25 January 2010

The Secretary of State for Transport
c/o Transport and Works Act Orders Units
Department for Transport
Zone 1/31
Great Minister House
76 Marsham Street
London
SW1P 4DR

Dear Sirs

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

NOTICE OF APPLICATION TO ACQUIRE LAND OR RIGHTS IN LAND COMPULSORILY, TO USE LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, TO EXTINGUISH RIGHTS OVER LAND AND TO IMPOSE RESTRICTIVE COVENANTS

We refer to your recent correspondence and Notice of the intention to acquire land or rights over land owned by Merton College, Oxford. The College has instructed Mr Paul Lindon of Savills, Wytham Court, 11 West Way, Botley, Oxford, OX2 0QL, to act on the College's behalf in this matter. Mr Lindon has been sent copies of your correspondence and will be contacting you in advance of the 17th February to make representations on behalf of Merton College.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J S G Gloag', enclosed within a rectangular box.

J S G Gloag MRICS
College Land Agent & Estates Bursar

cc: Mr P Lindon

The Warden & Scholars of the House or College of Scholars of Merton in the University of Oxford
Merton College
Oxford
OX1 4JD

The Transport and Works Act 1992

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

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

**NOTICE OF APPLICATION TO ACQUIRE LAND OR RIGHTS IN LAND COMPULSORILY, TO
USE LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, TO
EXTINGUISH RIGHTS OVER LAND AND TO IMPOSE RESTRICTIVE COVENANTS**

The Chiltern Railway Company Limited of, Great Central House, Marylebone Station, Melcombe Place, London NW1 6JJ, has applied to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992, for an Order authorising the following works in the district of Cherwell and the city of Oxford to construct a new railway (including the reconstruction of existing railway) and associated works between Bicester and Oxford together with the construction or reconstruction of stations at Bicester Town, Islip, Water Eaton and Oxford in order to facilitate the operation of direct railway services between London Marylebone, High Wycombe, Bicester Town and Oxford. The works will include a new chord railway linking the railway from London Marylebone to Birmingham Moor Street with the Bletchley to Oxford Railway, a double track railway from a proposed junction with the Bletchley to Oxford Railway to Oxford North Junction and a railway from Oxford North Junction to Oxford Station including the reconstruction of Bicester Town, Islip and Oxford Stations and the construction of a station at Water Eaton, extensions and remedial works to bridges, the demolition of bridge OXD47 at Northfield Farm, the lowering of track through Wolvercot Tunnel, the provision of a signalling supply point at Elm Tree Farm No. 1 crossing; railways forming spurs at Exchange Sidings and Rail Aggregates Depot; a railway forming a connection between the Bletchley to Oxford Railway and the Oxford to Birmingham Railway; reconstruction of the bridge carrying the A41 road over the railway; roads including overbridges at Langford Lane and Oddington Road, a bridleway including an overbridge at Mill Lane, an accommodation road and bridleway including overbridges at Mansmoor Road and west of bridge OXD47 and footbridges at Gavray Drive, Tubbs Lane, Merton Foot Crossing, Oddington No. 5 crossing and Gosford and Water Eaton No.10 crossing.

The Order will also authorise the construction and maintenance of ancillary works and includes provisions to keep apparatus in streets and to execute street works, to stop up streets permanently and temporarily, to provide access to works, to construct, alter and maintain new streets, to construct or reconstruct bridges and tunnels, to enter into agreements with street authorities, to close and replace road, bridleway and footpath level crossings, to extinguish all public or private rights of way over accommodation level crossings, to close temporarily part of Rewley Abbey Stream and Castle Mill Stream; to discharge water; to carry out protective works to buildings, roads and apparatus and to survey and investigate land; the compulsory acquisition of land for the purposes of the works and ancillary purposes, the imposition of restrictive covenants, the acquisition of easements or other rights in land, the acquisition of rights in airspace above or in the subsoil beneath land, the temporary use of land for the construction or maintenance of works, the acquisition of part only of certain properties and the extinction or suspension of private rights of way; traffic regulation, the felling or lopping of overhanging trees, the provision and vesting of open space, the power to operate and use the railway, the power to transfer the undertaking with the consent of the Secretary of State, the power to enter into agreements with Network Rail, the prevention of obstruction of the works and trespass on the railway and ancillary provisions.

The draft Order provides for compulsory powers affecting land being powers of compulsory acquisition of land or interests in land, rights to use land, powers to take temporary possession or temporary rights over land, powers to impose restrictive covenants, powers to carry out protective works to buildings, to survey or investigate land or to extinguish rights over land.

The land described in the Schedule annexed in which it is believed you have an interest is subject to the exercise of compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

A copy of the application, and of all plans and other documents submitted with it, may be inspected free of charge between 6 January 2010 and 17 February 2010 as follows:-

Schedule

Oxford City Council Planning Services Ramsey House 10 St. Ebbe's Street Oxford OX1 1PT	Monday to Thursday Friday	08:30 to 17:00 08:30 to 16:30
Cherwell District Council Planning Services Bodicote House Bodicote Banbury Oxfordshire OX15 4AA	Monday to Friday	08:45 to 17:15
Bicester Library Old Place Yard Bicester Oxon OX26 6AU	Monday, Wednesday and Thursday Tuesday and Friday Saturday	09:30 to 19:00 09:30 to 17:00 09:00 to 16:30
Banbury Library Marlborough Road Banbury Oxon OX16 5DB	Monday Tuesday, Thursday and Friday Wednesday Saturday	09:00 to 13:00 09:00 to 19:00 09:00 to 20:00 09:00 to 16:30
Oxfordshire Central Library Westgate Oxford OX1 1DJ	Monday, Tuesday, Wednesday, Thursday Friday, Saturday	09:00 to 19:00 09:00 to 17:30
Kidlington Library Ron Groves House 23 Oxford Road Kidlington Oxon OX5 2BP	Monday, Thursday Tuesday, Friday Wednesday Saturday	09:30 to 17:00 09:30 to 19:00 09:30 to 13:00 09:00 to 16:30

Copies of the documents can also be viewed and downloaded from Chiltern Railways' website at www.chiltern-evergreen3.co.uk.

Copies of the documents may be obtained from ERM, Eaton House, Wallbrook Court, North Hinksey Lane, Oxford OX2 0QS. A charge may be payable. Electronic copies of the documents may be obtained free of charge from the same address. Further information about the proposals can also be obtained from Natasha Gough, tel: 01865 384 865, e-mail: natasha.gough@erm.com.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport and Works Act Orders Unit, Department for Transport, Zone 1/31, Great Minister House, 76 Marsham Street, London SW1P 4DR, email transportandworksact@dft.gsi.gov.uk. An objection or other representation MUST (i) be received by the Secretary of State on or before 17 February 2010, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making

the objection or other representation, and (v) give an address to which correspondence relating to the objection or other representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address.)

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

Signed:

A handwritten signature in black ink, appearing to read 'Adrian Shooter', written in a cursive style.

On behalf of: The Chiltern Railway Company Limited

Date: 6 January 2010

Name and Status of Signatory: Adrian Shooter
Chairman

CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

SCHEDULE

Description of lands and/or buildings affected by the proposed compulsory powers

Land subject to powers of compulsory acquisition, rights to use land, powers of temporary possession and powers to impose restrictive covenants, to carry out protective works to buildings, to survey or investigate land or to extinguish rights over land

County of Oxfordshire, District of Cherwell

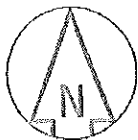
No on plan	Extent and description of the land or property	Freehold owners or reputed owners	Lessees or reputed Lessees	Tenants and Occupiers
24002	2831.86 Square Metres Trees, shrubbery, thickets and land (Peartree Hill Farm), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24003	304.44 Square Metres Trees, shrubbery, thickets and land (Peartree Hill Farm), to the east of North Oxford Golf Club, Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24004	51.19 Square Metres Public footpath (FP 229/10), shrubbery, thickets and land (Peartree Hill Farm), to the east of North Oxford Golf Club, Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24005	57.01 Square Metres Public footpath (FP 229/10), trees, shrubbery, thickets and land (Peartree Hill Farm), to the east of North Oxford Golf Club, Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24008	61.50 Square Metres Public footpath (FP229/10), trees, shrubbery, thickets and land (North Oxford Golf Club), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24010	300.96 Square Metres Trees, shrubbery, thickets and land (North Oxford Golf Club), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		

No on plan	Extent and description of the land or property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers
24014	205.59 Square Metres Trees, shrubbery, thickets and land (Peartree Hill Farm), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24015	3008.09 Square Metres Trees, shrubbery, thickets and land (Peartree Hill Farm), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		

City of Oxford

No on plan	Extent and description of the land or property	Freehold owners or reputed freehold owners	Lessees or reputed lessees	Tenants and Occupiers
24017	1139.47 Square Metres Trees, shrubbery, thickets and land (Peartree Hill Farm), Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24018	477.58 Square Metres Private track (Peartree Hill Farm Track), trees, shrubbery, thickets and land, Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		
24019	72.34 Square Metres Railway (Bicester to Oxford), level crossing (Nesbitts Crossing), trees, shrubbery and thickets, Wolvercote, Oxfordshire			The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford (in respect of access)
25002	840.35 Square Metres Private track (Peartree Hill Farm Track), trees, shrubbery, thickets, Woodstock Road, Wolvercote, Oxfordshire	The Warden and Scholars of the House or College of Scholars of Merton in the University of Oxford		

CHILTERN RAILWAYS



To Bicester

Course of Oxford Railway

Golf Course

To Oxford

Main Oxford Golf Club

Chiltern Railways

TITLE:

Chiltern Railways
(Bicester to Oxford Improvements) Order

KEY:

Land Parcel of Interest

DP No. 24902

Plan No: 0124022



Reproduced from the Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright Reserved.

OS Licence No: 100014368 - 2 (L) 01/05/2012

Scale: 1:2500

100

OS Licence No: 100014368 - 2 (L) 01/05/2012
© Crown Copyright 2012
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of the Controller of Her Majesty's Stationery Office.

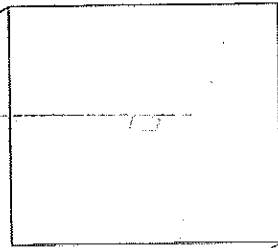
CHILTERN RAILWAYS



OS 2500

To Bicester

Course of Oxford Railway



Peering Hill Farm

To Oxford

Chiltern Railways

TITLE:

Chiltern Railways
(Bicester to Oxford Improvements) Order

OP No. 24693

KEY:

 Land Parcel of Interest

Open for 28 days

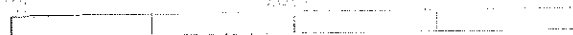


Reproduced from the Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright © 2004

Scale 1:2500

2004

OS 2500 - 2500 - 2500



OS 2500 - 2500 - 2500

CHILTERN RAILWAYS

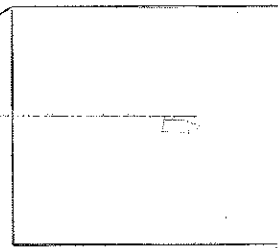


Grid 64

To Bicester

1:25,000

Course of Disused Railway



Peckish Hill Farm

To Oxford

Chiltern Railways

TITLE:

Chiltern Railways
(Bicester to Oxford Improvements) Order

KEY:

Land Parcel of Interest

DP No. 24005

Plan No. 93,24005

© Reproduced from the Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright Reserved.

Plan No. 93,24005_38 - Ordnance Survey

Scale 1:25,000



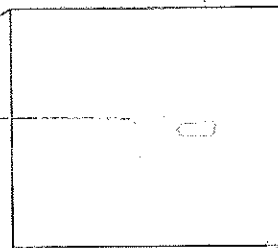
OS 1:25,000 maps are available from Ordnance Survey, 100 Brook Hill Drive, Basingstoke, Hampshire RG24 0PR. Tel: 01256 333344. Fax: 01256 333414. Email: os@os.government.co.uk

CHILTERN RAILWAYS

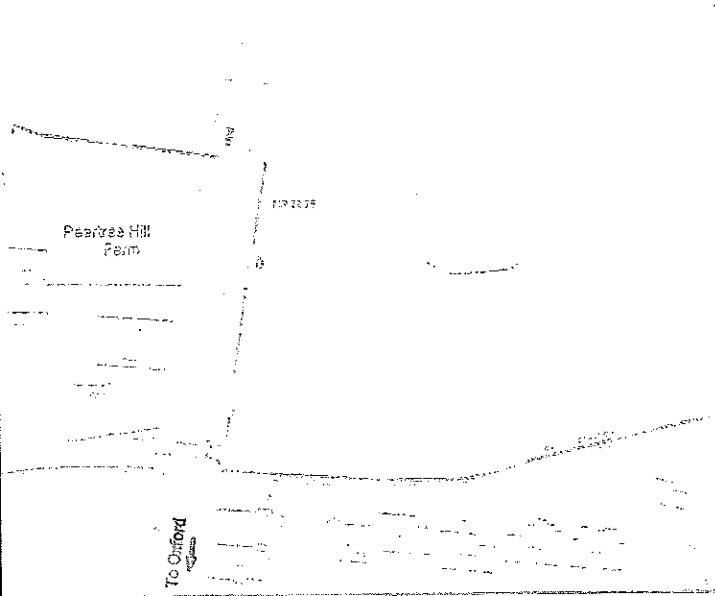


To Bicester
100 23

Course of Disused Railway



Golf C

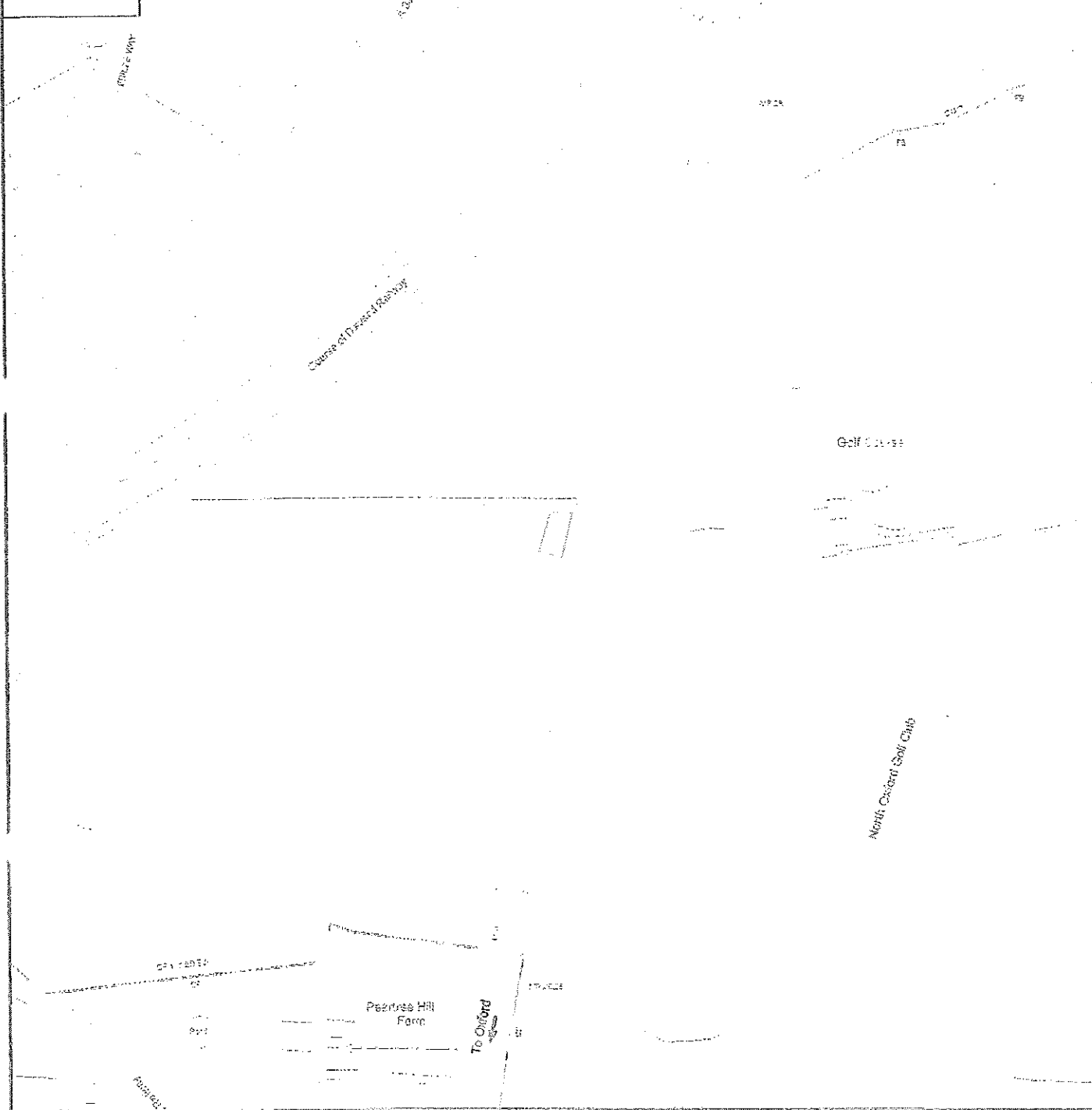


Chiltern Railways
Plan No. 22,2163
100 1000-00000000_23 - 0100 1000 1000

TITLE:
Chiltern Railways
(Bicester to Oxford Improvements) Order
OP No. 24008
Required from the Ordnance Survey digital data with the permission
of The Controller of Her Majesty's Stationery Office. Crown Copyright. Plans in
Scale 1:2500
10000

KEY:
 Land Parcel of Interest
PUBLISHED BY
2000

CHILTERN RAILWAYS



Chiltern Railways
Chiltern Railways Limited

TITLE:
 Chiltern Railways
 (Bicester to Oxford Improvements) Order

KEY:
 Land Parcel of Interest

DP No. 24014

Plan No: D2_24014

© Reproduced from the Ordnance Survey Spatial data with permission of the Controller of Her Majesty's Stationery Office. Crown Copyright Reserved.

Ref: 0000050500_02 - Chiltern Railways

Scale: 1:25000



CHILTERN RAILWAYS



To Bicester

Course of Disused Railway

Golf Course

North Oxford Golf Club

Peartree Hill Farm

To Oxford

Chiltern Railways

TITLE:
Chiltern Railways
(Bicester to Oxford Improvements) Order

KEY:
Land Parcel of Interest

OP No. 24015

Plan No. OP_2015

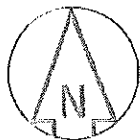
© Crown Copyright. All rights reserved. This document is the property of the Controller of Her Majesty's Stationery Office. It is published by the Controller of Her Majesty's Stationery Office. It is not to be reprinted or otherwise reproduced without the permission of the Controller of Her Majesty's Stationery Office.

Plan No. 24015-00000000_33 - Chiltern Railways

Scale: 1:25000

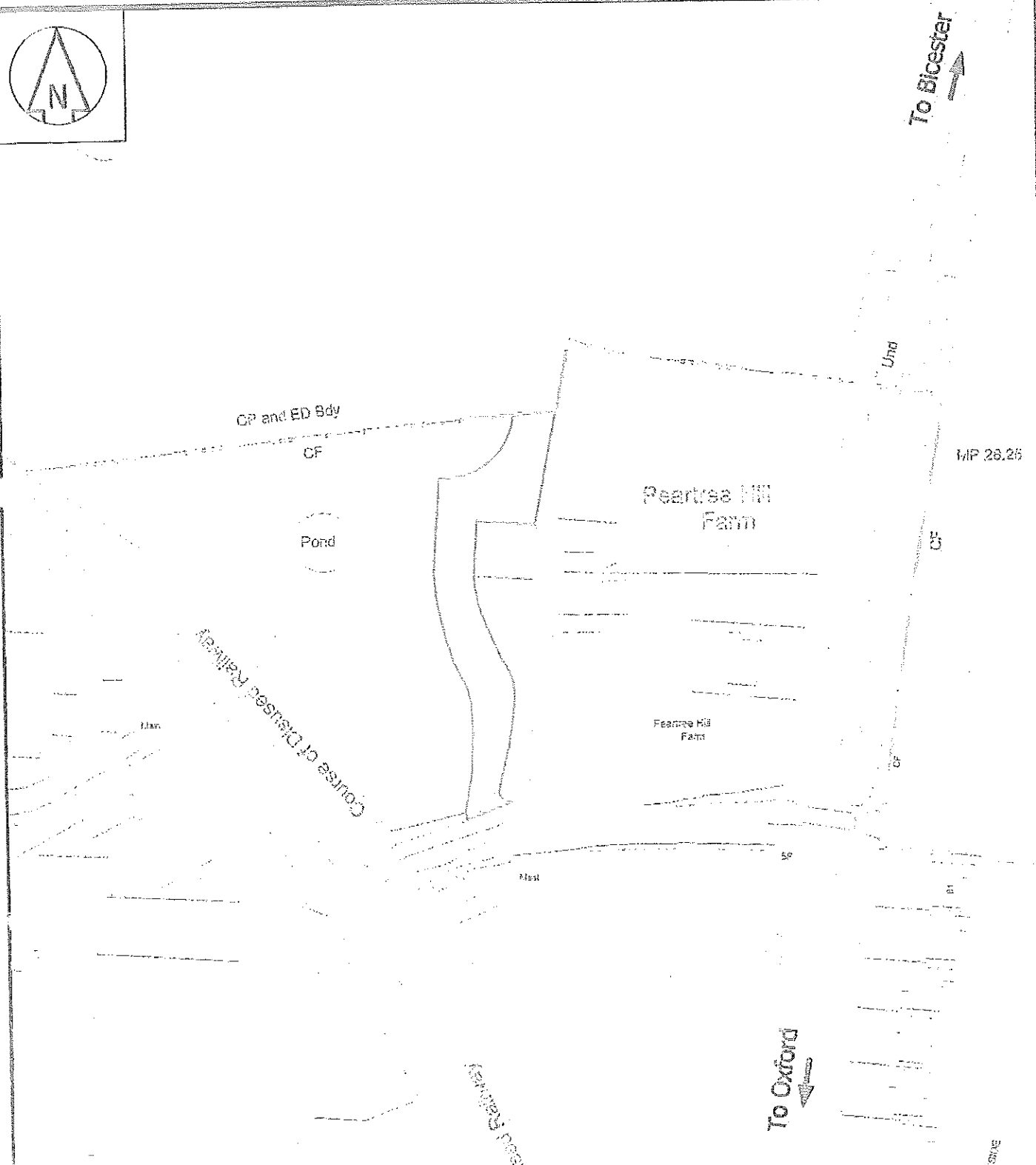
© Crown Copyright. All rights reserved. This document is the property of the Controller of Her Majesty's Stationery Office. It is published by the Controller of Her Majesty's Stationery Office. It is not to be reprinted or otherwise reproduced without the permission of the Controller of Her Majesty's Stationery Office.

CHILTERN RAILWAYS



To Bicester

To Oxford



Chiltern Railways
 Order No. 24017
 Date of Issue 09_24017
 File No. 0527-05\050605_03 - Chiltern Railways

TITLE:
 Chiltern Railways
 (Bicester to Oxford Improvements) Order
 Order No. 24017

Reproduced from the Ordnance Survey digital file with the permission of the Controller of Her Majesty's Stationery Office.

Scale 1:25000
 0 500 1000

KEY:
 Land Parcel of Interest

© Crown Copyright 2005. Ordnance Survey. All rights reserved. Ordnance Survey Licence No. 100019750. This document is the property of the Controller of Her Majesty's Stationery Office and is loaned to your organisation. It and its contents are not to be distributed outside your organisation.

CHILTERN RAILWAYS



To Bicester
Und

CP and ED Bdy

CP

MP 28.25

Peartree Hill Farm

Pond

Course of Disused Railway

Peartree Hill Farm

Dist

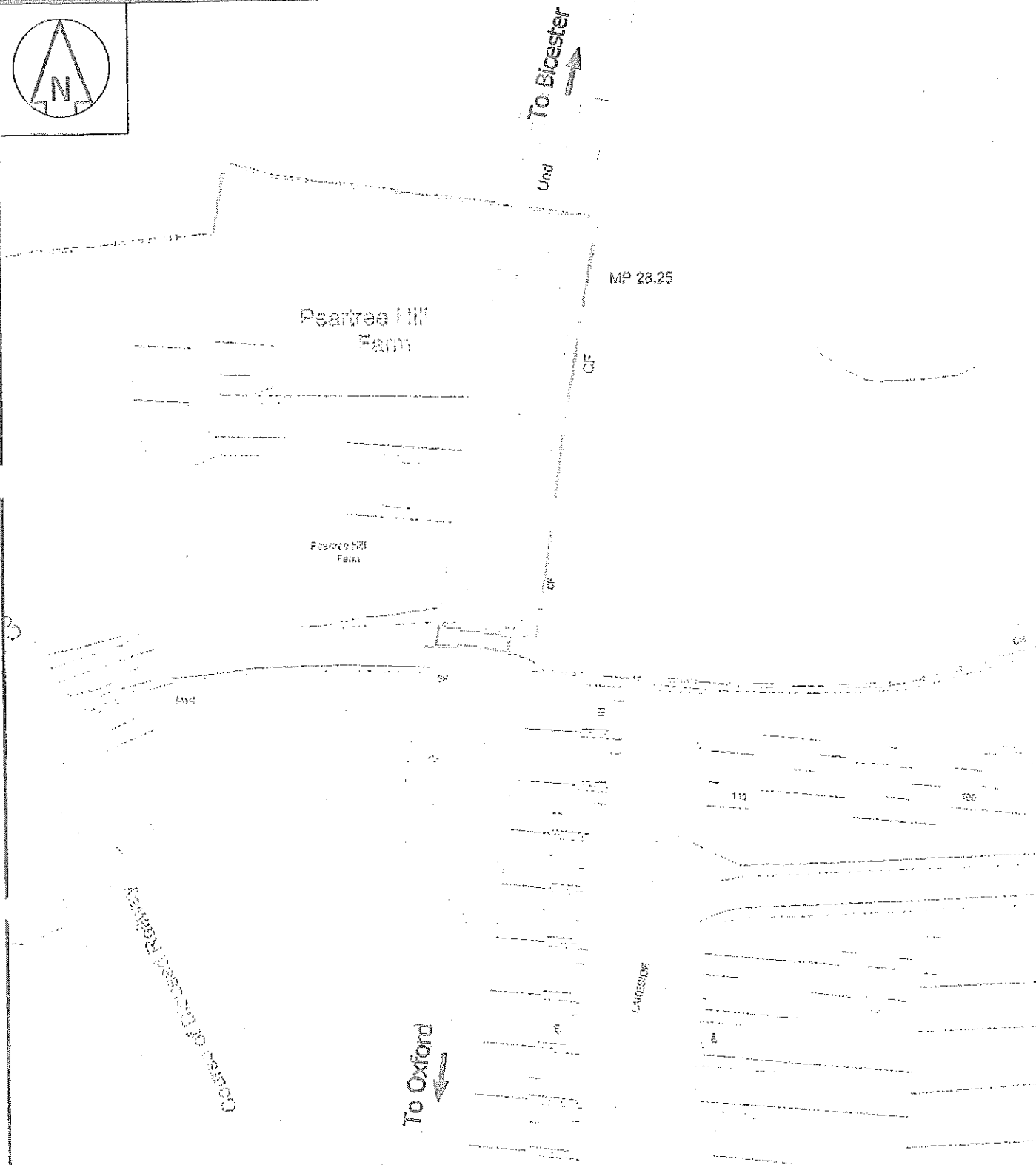
To Oxford

LAVESIDE

Peartree Track

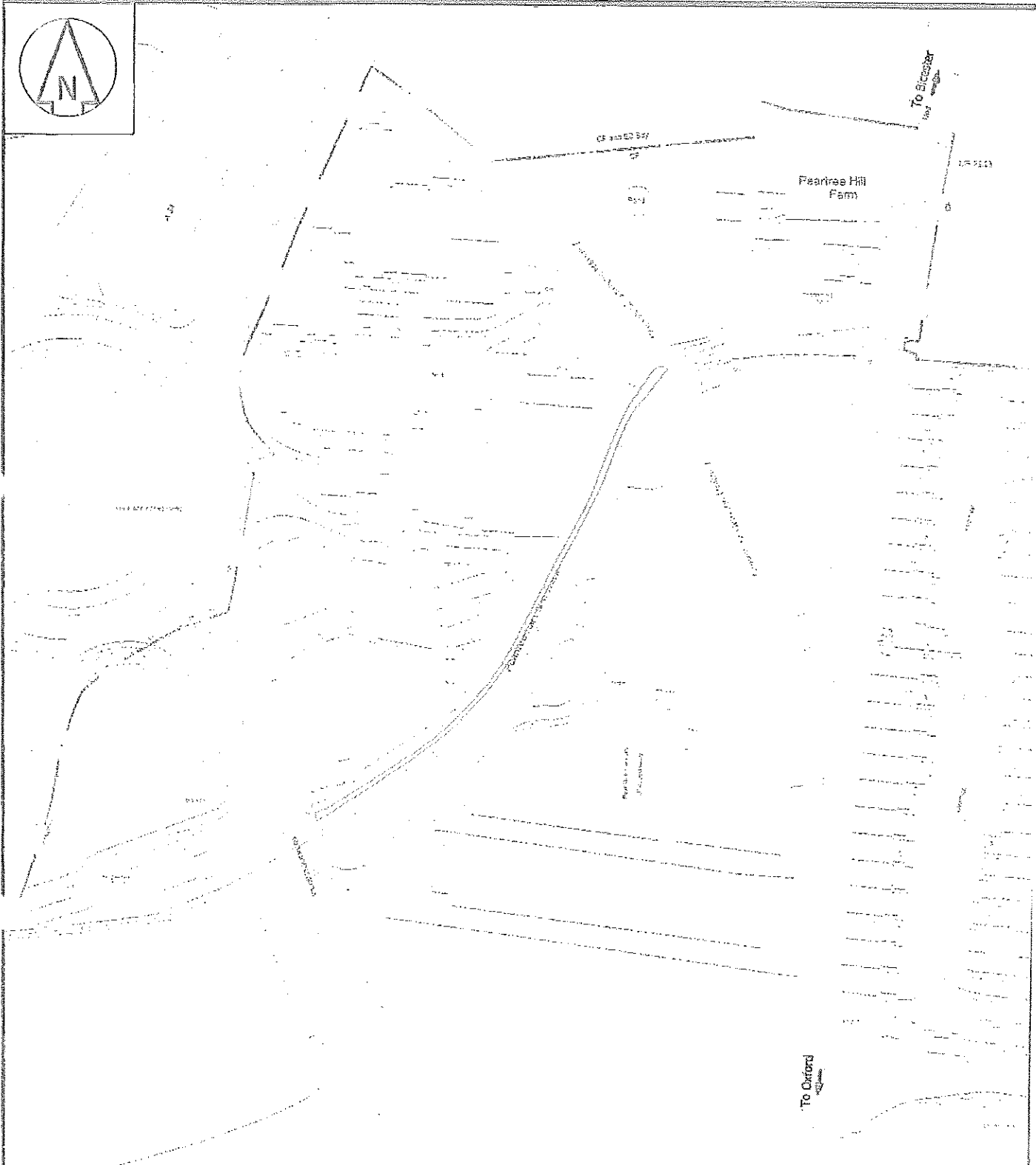
<p>Chiltern Railways</p>	<p>TITLE: Chiltern Railways (Bicester to Oxford Improvements) Order</p> <p>DP No. 24018</p>	<p>KEY: Land Parcel of Interest</p>
<p>DP No: E2_24018</p> <p>File: J:\19-09\OSD03_33 - Chiltern Railways</p>	<p>Map created from the Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright Reserved.</p> <p>Scale: 1:2500</p>	<p>© 2003 Ordnance Survey</p>

CHILTERN RAILWAYS



<p>Chiltern Railways</p>	<p>TITLE: Chiltern Railways (Bicester to Oxford Improvements) Order</p> <p>OF No. 1012</p>	<p>KEY: Land Parcel of Interest</p>
<p>Plan No: DP_1919</p> <p>Scale: 1:50000</p>	<p>Reproduced from the Ordnance Survey digital data with the permission of The Controller of Her Majesty's Stationery Office. Crown Copyright Reserved.</p>	

CHILTERN RAILWAYS



<p>Chiltern Railways</p>	<p>TITLE: Chiltern Railways (Bicester to Oxford Improvements) Order</p> <p>DF No. 25767</p>	<p>KEY: Land Parcel of Interest</p>
<p>DF No. 25767</p>	<p>Revised from the Ordnance Survey digital data with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright Reserved.</p> <p>Scale 1:25000</p>	<p>© Crown Copyright</p>

The Rector And Scholars of Exeter College in the University of Oxford
Exeter College
Turl Street
Oxford
OX1 3DP

The Transport and Works Act 1992

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

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

**NOTICE OF APPLICATION TO ACQUIRE LAND OR RIGHTS IN LAND COMPULSORILY, TO
USE LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, TO
EXTINGUISH RIGHTS OVER LAND AND TO IMPOSE RESTRICTIVE COVENANTS**

The Chiltern Railway Company Limited of, Great Central House, Marylebone Station, Melcombe Place, London NW1 6JJ, has applied to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992, for an Order authorising the following works in the district of Cherwell and the city of Oxford to construct a new railway (including the reconstruction of existing railway) and associated works between Bicester and Oxford together with the construction or reconstruction of stations at Bicester Town, Islip, Water Eaton and Oxford in order to facilitate the operation of direct railway services between London Marylebone, High Wycombe, Bicester Town and Oxford. The works will include a new chord railway linking the railway from London Marylebone to Birmingham Moor Street with the Bletchley to Oxford Railway, a double track railway from a proposed junction with the Bletchley to Oxford Railway to Oxford North Junction and a railway from Oxford North Junction to Oxford Station including the reconstruction of Bicester Town, Islip and Oxford Stations and the construction of a station at Water Eaton, extensions and remedial works to bridges, the demolition of bridge OXD47 at Northfield Farm, the lowering of track through Wolvercot Tunnel, the provision of a signalling supply point at Elm Tree Farm No. 1 crossing; railways forming spurs at Exchange Sidings and Rail Aggregates Depot; a railway forming a connection between the Bletchley to Oxford Railway and the Oxford to Birmingham Railway; reconstruction of the bridge carrying the A41 road over the railway; roads including overbridges at Langford Lane and Oddington Road, a bridleway including an overbridge at Mill Lane, an accommodation road and bridleway including overbridges at Mansmoor Road and west of bridge OXD47 and footbridges at Gavray Drive, Tubbs Lane, Merton Foot Crossing, Oddington No. 5 crossing and Gosford and Water Eaton No.10 crossing.

The Order will also authorise the construction and maintenance of ancillary works and includes provisions to keep apparatus in streets and to execute street works, to stop up streets permanently and temporarily, to provide access to works, to construct, alter and maintain new streets, to construct or reconstruct bridges and tunnels, to enter into agreements with street authorities, to close and replace road, bridleway and footpath level crossings, to extinguish all public or private rights of way over accommodation level crossings, to close temporarily part of Rewley Abbey Stream and Castle Mill Stream; to discharge water; to carry out protective works to buildings, roads and apparatus and to survey and investigate land; the compulsory acquisition of land for the purposes of the works and ancillary purposes, the imposition of restrictive covenants, the acquisition of easements or other rights in land, the acquisition of rights in airspace above or in the subsoil beneath land, the temporary use of land for the construction or maintenance of works, the acquisition of part only of certain properties and the extinction or suspension of private rights of way; traffic regulation, the felling or lopping of overhanging trees, the provision and vesting of open space, the power to operate and use the railway, the power to transfer the undertaking with the consent of the Secretary of State, the power to enter into agreements with Network Rail, the prevention of obstruction of the works and trespass on the railway and ancillary provisions.

The draft Order provides for compulsory powers affecting land being powers of compulsory acquisition of land or interests in land, rights to use land, powers to take temporary possession or temporary rights over land, powers to impose restrictive covenants, powers to carry out protective works to buildings, to survey or investigate land or to extinguish rights over land.

The land described in the Schedule annexed in which it is believed you have an interest is subject to the exercise of compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

A copy of the application, and of all plans and other documents submitted with it, may be inspected free of charge between 6 January 2010 to 17 February 2010 as follows:-

Schedule

Oxford City Council Planning Services Ramsey House 10 St. Ebbe's Street Oxford OX1 1PT	Monday to Thursday Friday	08:30 to 17:00 08:30 to 16:30
Cherwell District Council Planning Services Bodicote House Bodicote Banbury Oxfordshire OX15 4AA	Monday to Friday	08:45 to 17:15
Bicester Library Old Place Yard Bicester Oxon OX26 6AU	Monday, Wednesday and Thursday Tuesday and Friday Saturday	09:30 to 19:00 09:30 to 17:00 09:00 to 16:30
Banbury Library Marlborough Road Banbury Oxon OX16 5DB	Monday Tuesday, Thursday and Friday Wednesday Saturday	09:00 to 13:00 09:00 to 19:00 09:00 to 20:00 09:00 to 16:30
Oxfordshire Central Library Westgate Oxford OX1 1DJ	Monday, Tuesday, Wednesday, Thursday Friday, Saturday	09:00 to 19:00 09:00 to 17:30
Kidlington Library Ron Groves House 23 Oxford Road Kidlington Oxon OX5 2BP	Monday, Thursday Tuesday, Friday Wednesday Saturday	09:30 to 17:00 09:30 to 19:00 09:30 to 13:00 09:00 to 16:30

Copies of the documents can also be viewed and downloaded from Chiltern Railways' website at www.chiltern-evergreen3.co.uk.

Copies of the documents may be obtained from ERM, Eaton House, Wallbrook Court, North Hinksey Lane, Oxford OX2 0QS. A charge may be payable. Electronic copies of the documents may be obtained free of charge from the same address. Further information about the proposals can also be obtained from Natasha Gough, tel: 01865 384 865, e-mail: natasha.gough@erm.com.

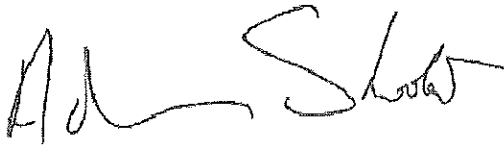
Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport and Works Act Orders Unit, Department for Transport, Zone 1/31, Great Minister House, 76 Marsham Street, London SW1P 4DR, email transportandworksact@dft.gsi.gov.uk. An objection or other representation MUST (i) be received by the Secretary of State on or before 17 February 2010, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making

the objection or other representation, and (v) give an address to which correspondence relating to the objection or other representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address.)

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

Signed:

A handwritten signature in black ink, appearing to read 'Adrian Shooter', written in a cursive style.

On behalf of: The Chiltern Railway Company Limited

Date: 6 January 2010

Name and Status of Signatory: Adrian Shooter
Chairman

CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

SCHEDULE

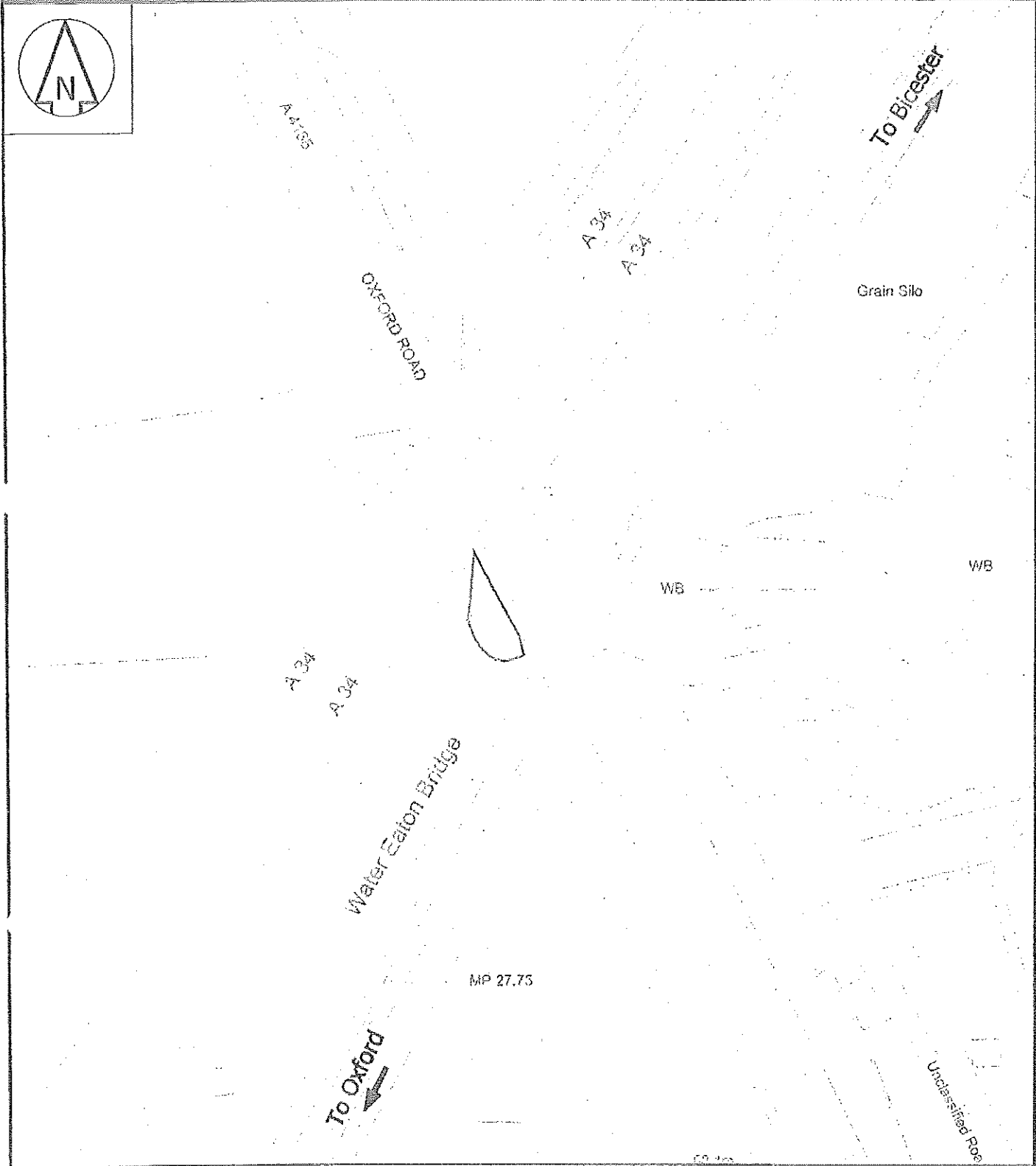
Description of lands and/or buildings affected by the proposed compulsory powers

Land subject to powers of compulsory acquisition, rights to use land, powers of temporary possession and powers to impose restrictive covenants, to carry out protective works to buildings, to survey or investigate land or to extinguish rights over land

County of Oxfordshire, District of Cherwell

No on plan	Extent and description of the land or property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers
23020	184.99 Square Metres Embankment, trees, shrubbery, thickets and land (A4165 Oxford Road), Water Eaton, Oxfordshire	The Rector and Scholars of Exeter College in the University of Oxford		The Rector and Scholars of Exeter College in the University of Oxford
24007	201.98 Square Metres Trees, shrubbery, thickets and land (North Oxford Golf Club), Wolvercote, Oxfordshire	The Rector and Scholars of Exeter College in the University of Oxford		
24008	61.50 Square Metres Public footpath (FP229/10), trees, shrubbery, thickets and land (North Oxford Golf Club), Wolvercote, Oxfordshire	The Rector and Scholars of Exeter College in the University of Oxford		

CHILTERN RAILWAYS



Chiltern Railways

TITLE:
 Chiltern Railways
 (Bicester to Oxford Improvements) Order
 DP No. 23020

KEY:
 Land Parcel of Interest

Plan No: DP_23020

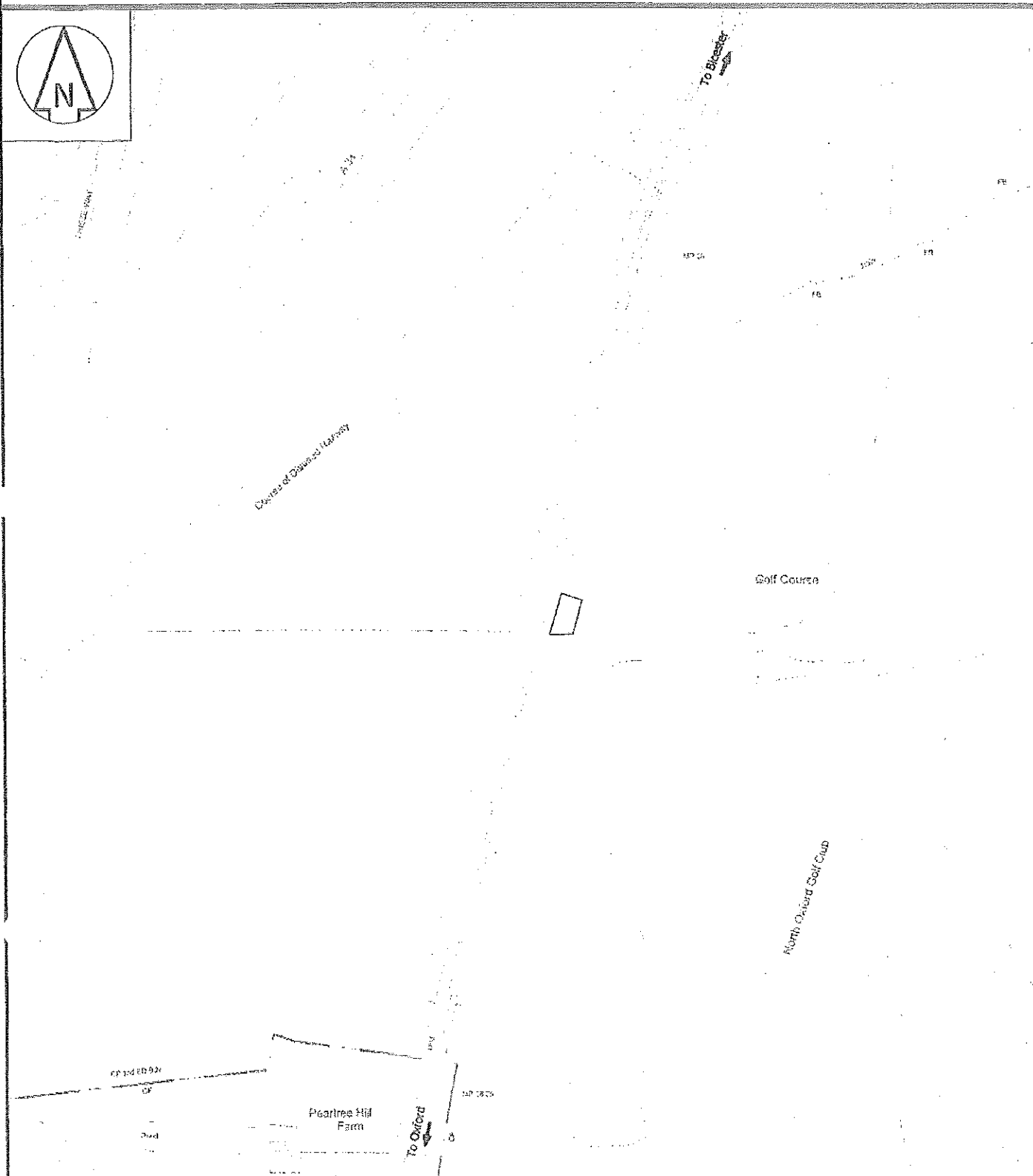
© Reproduced from the Ordnance Survey digital data with the permission of The Controller of H.M. Stationary Office. Crown Copyright Reserved.

Ref: J:\08-09\CGD08_35 - Chiltern Railway\WP

Scale: 1:1250
 0m 50m 100m



CHILTERN RAILWAYS



Chiltern Railways

TITLE:
 Chiltern Railways
 (Bicester to Oxford Improvements) Order
 DP No. 24007

KEY:
 Land Parcel of Interest

Plan No: DP_24007

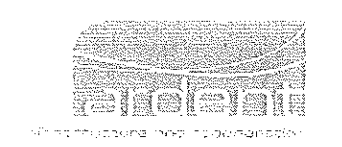
© Reproduced from the Ordnance Survey digital data with the permission of The Controller of H.M. Stationery Office. Crown Copyright Reserved

Ref: J:\08-09\CGD08_33 - Chiltern Railway\WP

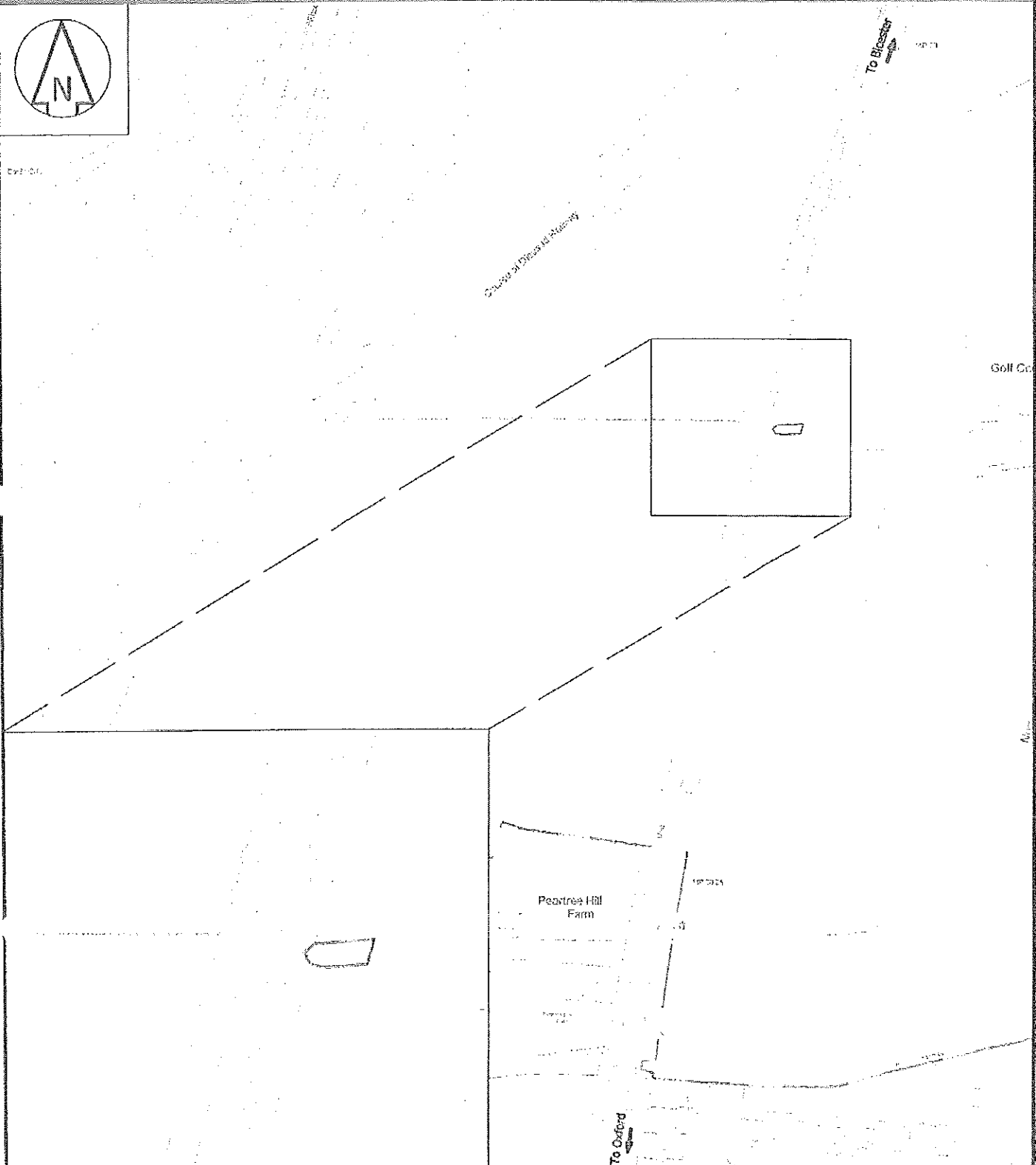
Scale: 1:2500

0m

100m 200m



CHILTERN RAILWAYS



Chiltern Railways

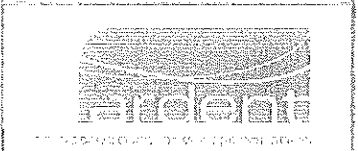
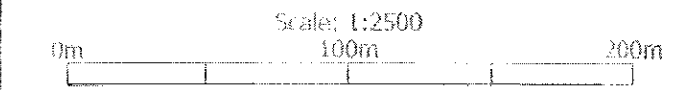
TITLE:
 Chiltern Railways
 (Bicester to Oxford Improvements) Order
 DP No. 24008

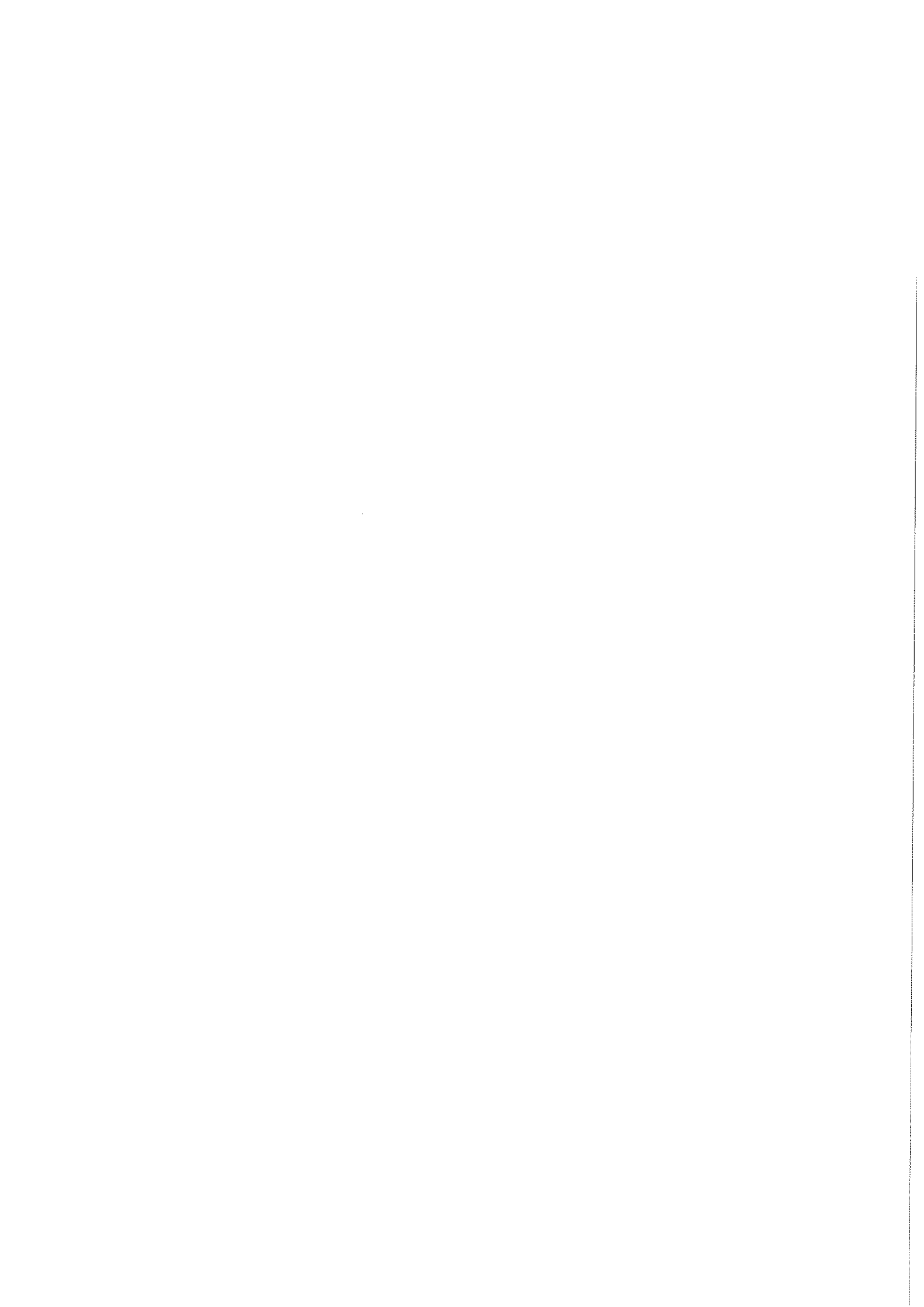
KEY:
 Land Parcel of Interest

Plan No: DP_24008

© Reproduced from the Ordnance Survey digital data with the permission of The Controller of H.M. Stationary Office. Crown Copyright Reserved.

Ref: J:\08-09\03008_33 - Chiltern Railway\HP





4 February 2010
WRAP/NS/2010/MERTON

Secretary of State for Transport
C/o Transport and Works Act Orders Units
Department for Transport
Zone 1/31
Great Minister House
76 Marsham Street
London
SW1P 4DR

Nigel Shields MRICS
E: nshields@savills.com
DL: +44 (0) 1865 269096
F: +44 (0) 1865 269199

Wytham Court
11 West Way
Oxford OX2 0QL
DX 96205 - Oxford West
T: +44 (0) 1865 269 000
savills.com

Dear Sir

TRANSPORT & WORKS ACT 1992 - CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

We act on behalf of the Warden and Scholars of Merton College in the University of Oxford. We are writing formally to object to the Order.

Background

Merton College has been at the forefront of education and research at Oxford University since 1264.

The Merton College land holding that is affected, has, it is believed, been owned by the College since the Enclosure Acts and perhaps before, and the land for the existing railway line was acquired from them when the railway was built.

Over the years, the College has sold off land for development and the proceeds have been re-invested for its educational and research aims and purposes.

The land adjoining the railway is on the edge of Oxford and will inevitably be developed over the fullness of time creating further funds for Merton College's educational and research aims and purposes.

Merton College's land holding itself is irregular and straddles the railway line (please see attached plan where the ownership boundary of the affected land is highlighted). The North Oxford Golf Course is partly owned by Merton College, Exeter College and The Oxford University Press (together with a very small area owned by the Golf Club itself). The current Golf Club lease expires in 2016. Merton College itself has an existing vehicular right of access across the railway line close to Pear Tree Hill Farmhouse known as "Nesbitt's Crossing". This is the link between the two parcels of land separated by the railway. Whilst this access has not been used for many years, it nevertheless exists and is marked for potential use in the future. The proposed scheme intends to stop up this right of access. There are no formal rights of access to this land across land owned by Exeter College, Oxford University Press (nor the Golf Club's own land).

There is currently footpath No.10 that crosses Merton College's land and the railway line. The proposal is for a permanent foot bridge to be erected over the railway line.

The objections and brief reasons for the objectives are as follows:-

1. The loss of the vehicle access from one parcel of land to the other, greatly reduces the latent development of value, it could prejudice the likelihood of development in the future and reduces the flexibility and independence for the College to take forward strategic development in order to maintain

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (LEP) Limited, Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2665135.
Registered office: 20 Grosvenor Hill, London W1K 3HQ





its financial position. The stopping up of this access has far-reaching consequences which cannot be easily financially compensated for.

Notwithstanding the above, it is contended that there is no need to stop up this access which has been in existence since the railway was constructed and has provided suitable when rail traffic was at its peak. It may be desirable for operational reasons to do away with the risk of vehicles physically crossing the line and this can be overcome by a vehicular bridge. But, operational reasons are not reasons for compulsory purchase as the scheme does not require this right to cease to go ahead.

2. The proposal includes the permanent foot bridge. Whilst the College fully respects rights of way and understands that for operational reasons, a permanent foot bridge is the best solution for the public to cross the line. The presence of a permanent structure will make it more difficult in the future for the foot path to be diverted when the land is ultimately developed. This inevitably makes the College's long-term development proposals less flexible and the inclusion of a permanent structure will prejudice its long-term future plans. Further consideration needs to be given as to whether or not the footpath ought to be diverted further as part of the scheme and a more beneficial position put in place for the footbridge.

For similar reasons as summarised above, it is contended that the footbridge is unnecessary for the scheme and the existing right to cross the line can remain.

3. It is unclear from the order whether or not:-
 - a) land is being compulsory purchased alongside the line,
 - b) a permanent right of access is being acquired alongside the line, or
 - c) a temporary right for jurisdiction of the works is required.

This is the green line as shown on Sheet No.24, the plan attached to this letter.

If a permanent acquisition is being suggested or a permanent right of way, this is out of proportion to the requirements of the scheme.

In the short-term, the route around the buildings creates a sterilised strip that has bio-security and health and safety and animal welfare implications and limits the use of the buildings by the agricultural tenant and thus has an adverse affect on rent and management.

If this is merely a temporary access, the use of a compulsory purchase order is over the top. Merton College is a reasonable organisation with a long established reputation and such an approach is an abuse of compulsory purchase powers. There are precedences locally where temporary rights have been agreed to carry out works on the railway line ie works carried out by Birse Rail Project Evergreen in 2001/2002 at Souldon. This temporary arrangement between landowners and the railway allows practical flexibility which the compulsory purchase route does not allow for and generally, the arrangements entered into are a benefit to all parties.

It is therefore contended that this land is not required for the scheme and the construction works can be carried out from the railway line itself. The existing line has very little use and the Project Evergreen Information suggests construction on other parts will be carried out from the line itself – please see Non Technical Summary. The land and access are not required for the scheme.

4. It appears that the draft order has served notice both on Merton College, DP No.24008 and also Exeter College in respect of the same area of the land. Merton College does not share ownership with Exeter College and a mistake has clearly been made which needs to be rectified.

Please kindly acknowledge this formal objection. Future correspondence from yourselves in relation to this matter should be sent to ourselves at the above address.



We reserve the right, on behalf of our client, to provide full and further particulars and additional information at any subsequent public inquiry.

Yours faithfully

Nigel Shields MRICS
Associate Director

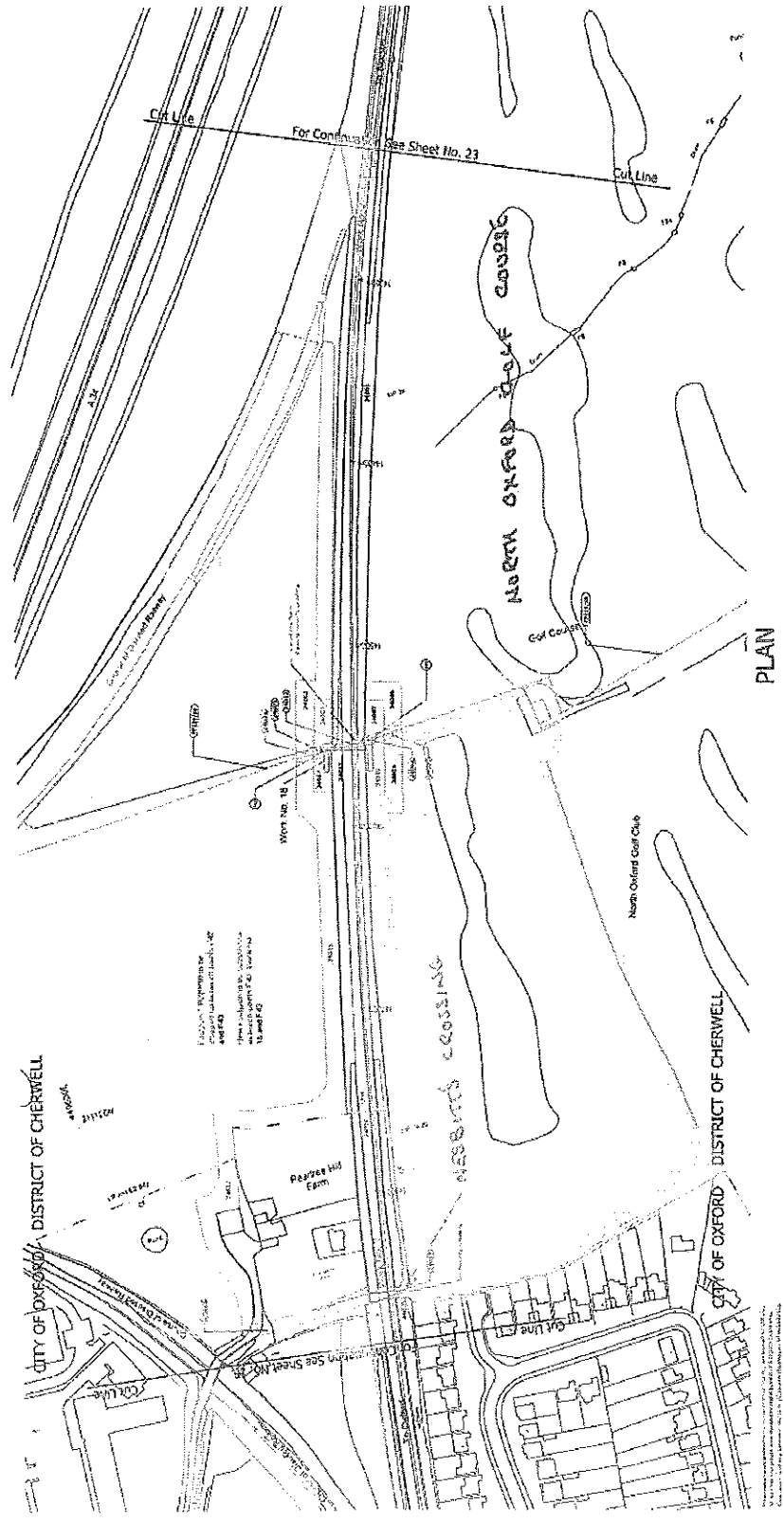
Enc.



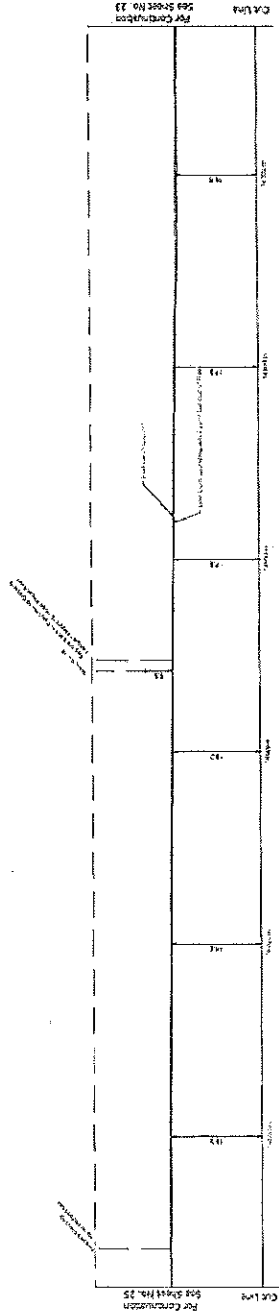
Transport and Works Act 1992 Chiltern Railways (Bicester to Oxford Improvements) Order

Sheet No. 24
Works Nos. 3 and 18
For Section of Work No. 18 see Sheet Nos. 23 and 25

CITY OF OXFORD & COUNTY OF OXFORDSHIRE & DISTRICT OF CHERWELL



- KEY**
- Limits of Deviation
 - Limits of Land to be Acquired or Used
 - Centre Line of Work
 - Commencement of Work
 - Termination of Work
 - Commencement of Work and Termination of Work
 - A --- Access to be provided or improved
 - New Right of Way to be provided (Except where provided over Work)
 - Existing Right of Way



Vertical Scale for Section 1:500
0 10 20 30 40 50 meters

SECTION
Work No. 2

Horizontal Scale for Plan and Section 1:1000
0 10 20 30 40 50 meters

Stationing for Section is 50.00 Metres above Ordnance Datum.

16 Feb 2010

Our Ref: PC/P3.20.2/EG3/001

Your Ref: WRAP/NS/2010/MERTON

Mr N Shields
Savills
Wytham Court
11 West Way
Oxford
OX2 0QL

Direct Tel No: 07774 990005

Direct Fax No: 0870 443 9101

E-mail: paulclarke@ardent-management.com

Dear Mr Shields

RE: TRANSPORT AND WORKS ACT 1992 – CHILTERN (BICESTER TO OXFORD IMPROVEMENTS) ORDER – MERTON COLLEGE

I refer to your letter dated 4th February 2010 addressed to the Secretary of State for Transport. We act on behalf of Chiltern Railways on all land and property issues related to the above Order application. The following is Chiltern's response to your client's objection, taking the points in the order you have raised them:

1. You state that the closure of the level crossing will reduce the development potential of your client's land and that this has "far-reaching consequences which cannot be easily financially compensated for." You have not stated what these un-compensateable consequences are, nor commented on the location of your client's property in the Green Belt in relation to the development potential of this property. It would be helpful if you would please expand on these issues.

You consider that there is no need to close the unused level crossing linking your client's property. In order to ensure the safety of rail and crossing users, Chiltern Railways is seeking the necessary powers to close all but one of the 38 crossings on this line, as part of the TWA Order application. This is to meet the current Network Rail and Office of Rail Regulation guidelines that, wherever possible, crossings should be closed, combined with adjacent crossings and/or replaced with a bridge. The reasons for this are explained in detail in the Public Rights of Way Report, one of the application documents submitted to the Secretary of State, in paragraphs 4.5 to 4.20. This can be found in the Application Documents on the project website at www.chiltern-evergreen3.co.uk/. The safety reasons for closure are even more important in this location for a number of reasons:

- The speed of trains passing over this crossing will be increased from 30 to 75 miles per hour.
 - The track in this location is curved, reducing visibility for a suitable distance to enable safe crossing at higher train speeds.
 - A new junction is proposed in the vicinity of this crossing, to enable trains to go through Wolvercote Tunnel on a single track.
2. The diversion of public footpaths has been subject to public consultation and Chiltern is under pressure to minimise the length of diversions. The footpath diversion procedure that your client must go through, if its land does become developable, is no different with or without a footbridge. The footbridge makes a negligible intrusion into the land adjoining the crossing so the before and after scheme position would be very similar.

3. The powers sought over Limits of Land to be Acquired or Used, the green land in the Deposited Plans and Sections, are set out in the relevant schedules in the Draft Order, in the usual way, in accordance with the Rules. Following construction, a permanent access route is needed to access the new footbridge to ensure that it can be properly maintained to retain pedestrian and train passenger safety. This is a requirement of Network Rail who will ultimately have ownership and the maintenance liability of the bridge. This is very different to the situation you have set out as a precedent for taking temporary rights only.

I presume that Chiltern and Network Rail would be content to acquire new rights for access as opposed to a freehold acquisition. I can certainly raise this issue if that would help to satisfy you client's concerns.

4. The Land Registry plans for the registered titles of both colleges do not conclusively show which is the owner of plot 24008 . In such circumstances, applicants for Orders under the Transport and Works Act are required to serve notices on both parties. The purpose of notice service at this stage is to ensure that all parties with an interest in land proposed to be affected have been notified of the application. A mistake has therefore not been made; the Rules are being complied with.

I look forward to hearing from you further.

Yours sincerely,



Paul Clarke MRICS
Associate Director

cc C Baker - ERM