

## STATEMENT OF CASE

### Objection to Chiltern Railways (Bicester to Oxford) Improvements Order

Objector: Exeter College  
Oxford  
Oxfordshire  
OX1 3DP

#### Background

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

Exeter College has been at the forefront of education and research at Oxford University since 1314. The land holding affected by this scheme has been owned by the College for many years. The College is a charitable organisation and its land holdings are managed in order to maximise their long-term value, particularly with development in mind. Development is likely in this area given the proximity of the land to Oxford.

Exeter College's land holding is to the east of the railway line. The North Oxford Golf Course is partly owned by Exeter College, Merton College and The Oxford University Press (together with a small area owned by the Golf Club itself).

#### Notice

Notice of Application to Acquire Land was received in January 2010, copy attached at **Appendix 1**.

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

#### Duplication

It must be noted that the plan attached to the Exeter College application and the plan attached to the Merton 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 act for Exeter 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."*

#### 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.

*P. L. L. 5/8/2010*

16.02.10

Our Ref: PC/P3.25.2/EG3/001

Your Ref: PVL/CJD

Mr P Lindon  
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 Lindon

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

I refer to your letter dated 4<sup>th</sup> 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 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 users 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 state, 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/](http://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.

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.

2. The Land Registry plans for the registered titles of both colleges do not conclusively show which the owner of plot 24008 is. 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,

A handwritten signature in black ink, appearing to read 'P. Clarke', with a stylized flourish at the end.

Paul Clarke MRICS  
Associate Director

cc C Baker - ERM

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](http://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](mailto: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](mailto: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



**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



A 4195

OXFORD ROAD

A 34  
A 34

To Bicester

Grain Silo

WB

WB

A 34  
A 34

Water Eaton Bridge

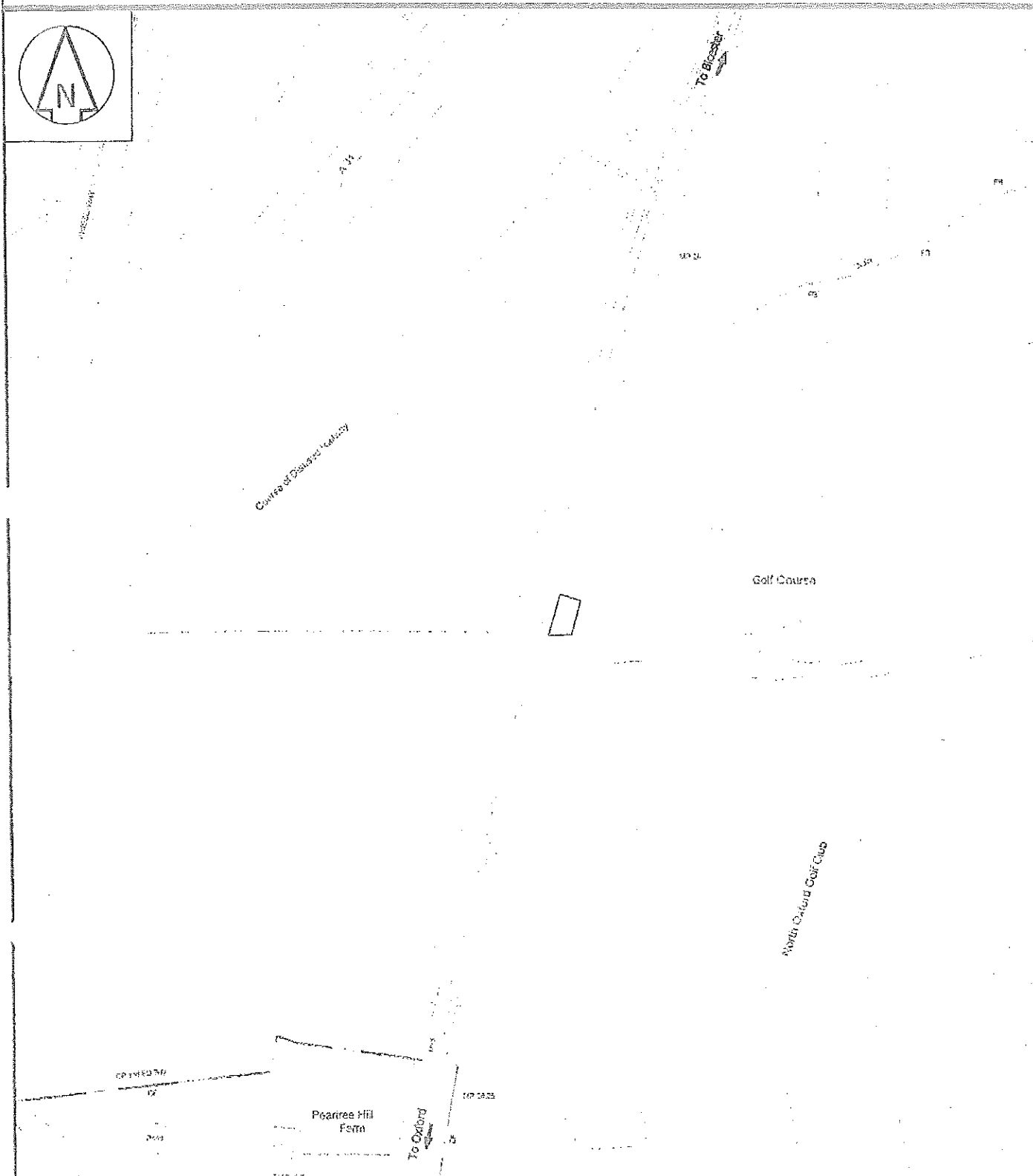
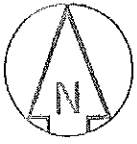
MP 27.75

To Oxford

Unclassified Road

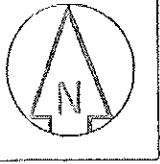
<p>Chiltern Railways</p>	<p><b>TITLE:</b> Chiltern Railways (Bicester to Oxford Improvements) Order</p> <p>DP No. Z3020</p>	<p><b>KEY:</b></p> <p><input type="checkbox"/> Land Parcel of Interest</p>
<p>Plan No: DP_Z3020</p> <p>1:50,000</p>	<p>Reproduced from the Order in the 2007 edition of the Railway Order of the Department of Transport, London</p> <p>Scale: 1:250,000</p>	

# CHILTERN RAILWAYS



<p>Chiltern Railways</p>	<p><b>TITLE:</b> Chiltern Railways (Bicester to Oxford Improvements) Order</p> <p>DP No. 24007</p>	<p><b>KEY:</b> Land Parcel of Interest</p>
<p>Plan No: 02_24007</p>	<p>Reproduced from the Ordnance Survey map of the area shown on the map of the Chiltern Railways Order, published by the Controller of Her Majesty's Stationery Office, Crown Copyright Reserved.</p>	
<p>Ref: 2103-09\09083_03 - Chiltern Railway/MP</p>	<p>Date: 1/1/01</p> <p>DRP</p>	

# CHILTERN RAILWAYS

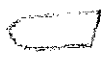
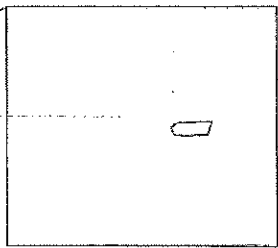


001/201

Chiltern Express (to 2009)

To Bicester

Golf Co



Peartree Hill Farm

SP 35.25

To Oxford

Chiltern Railways

**TITLE:**  
Chiltern Railways  
(Bicester to Oxford Improvements) Order

**KEY:**  
Land Parcel of Interest

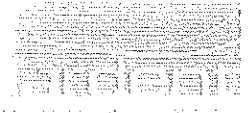
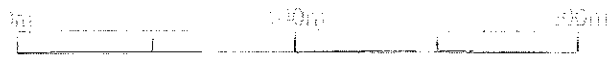
DP No. 24003

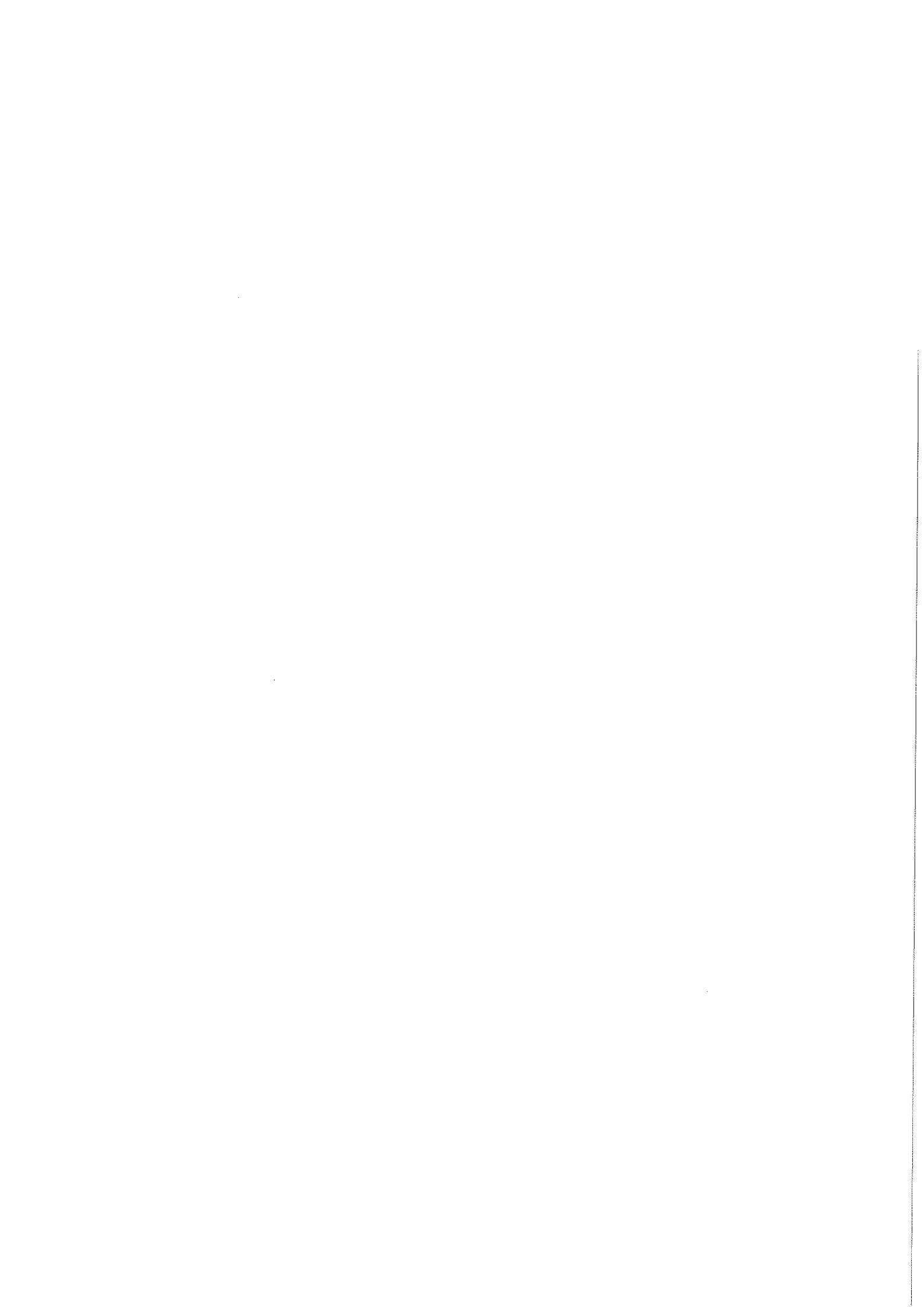
Plan No: DP\_24003

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Ref: 0102-09YCG003\_ZS - Chiltern Railway/WP

Scale: 1:2500





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 17<sup>th</sup> February to make representations on behalf of Merton College.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J S G Gloag', written over a horizontal line.

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 2005**

**Proposed Chiltern Railways (Bicester to Oxford Improvements) Order**

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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](mailto: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](mailto: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



**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
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 leasees	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

A32

A3

2021

217

Course of Oxford Railway

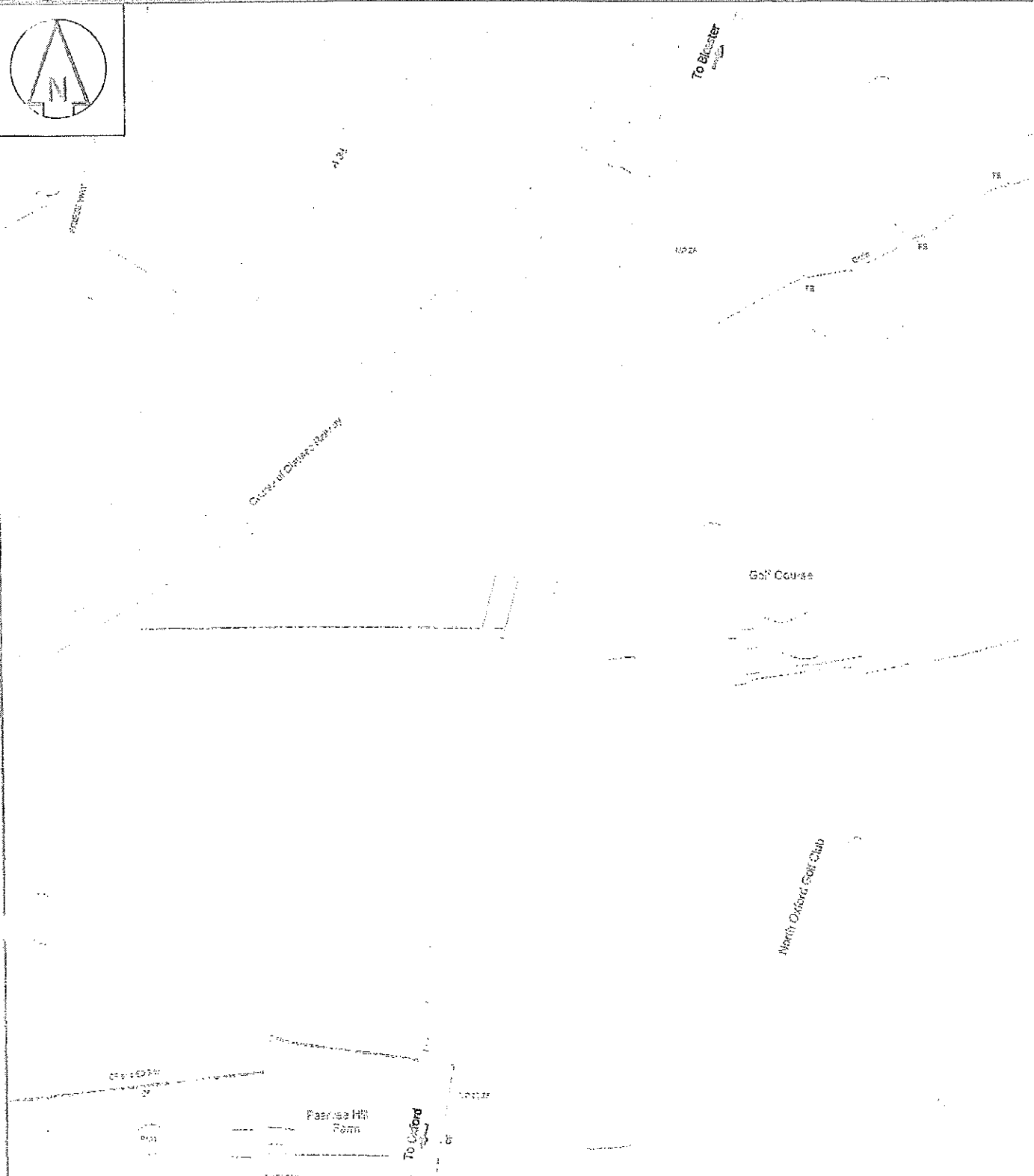
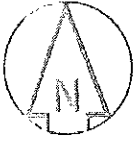
Golf Course

To Oxford

North Oxford Golf Club

	<p><b>TITLE:</b> Chiltern Railways (Transfer to Oxford Improvements) Order</p>	<p><b>KEY:</b> Land Parcel of Interest</p>
<p>DATE: 11/11/2011</p>	<p>Author: [illegible]</p> <p>Scale: [illegible]</p>	

# CHILTERN RAILWAYS



**TITLE:**

Chiltern Railways  
(Bicester to Oxford Improvements) Order

**KEY:**

Local Parish of Interest

10/10/00 02.04.03

10/10/00 02.04.03

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# CHILTERN RAILWAYS

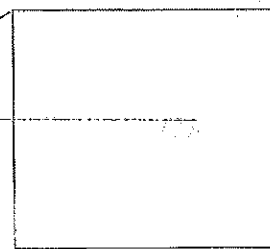


Contour

To Ely

1:25,000

Contour of Ouse Valley Railway



Peckover Hill  
Parks

To Oxford

TITLE:

Chiltern Railways  
(Director to Oxford Improvements) Order

KEY:

Land Parcel of Interest

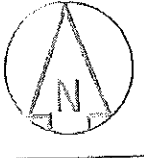
1005

Scale 1:25,000

Map No. 1005



# CHILTERN RAILWAYS

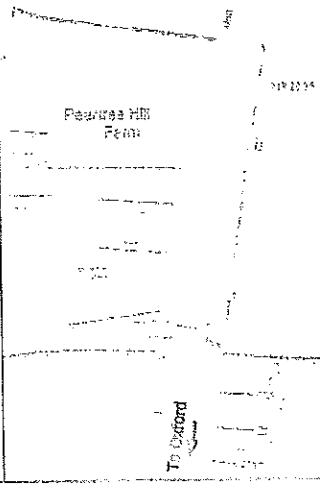


To Bicester  
15/23

04/25/84

Chiltern Railway

Got C



**TITLE:**

Chiltern Railways  
(Slough to Oxford Improvements) Order

**KEY:**

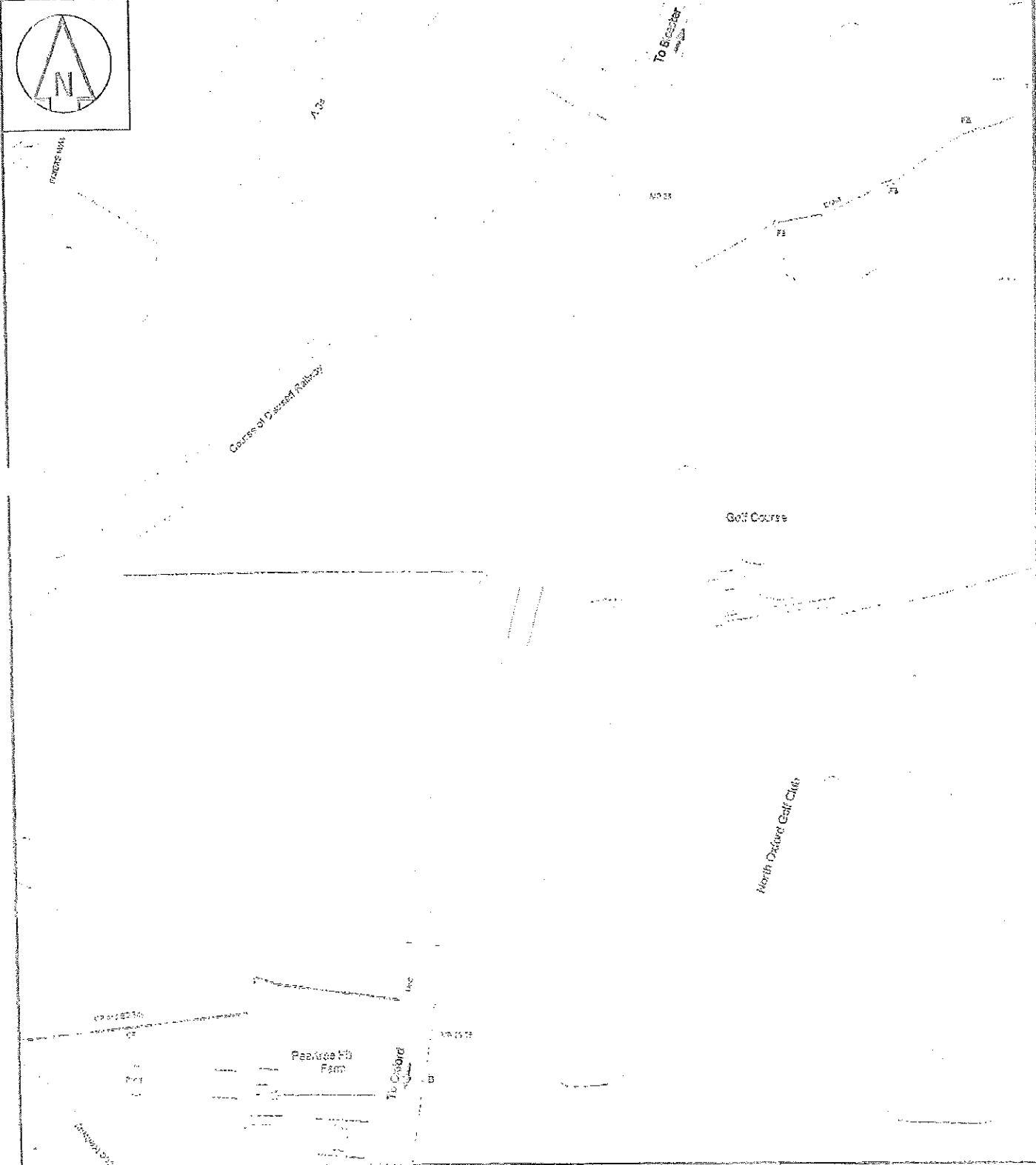
Land Parcel of Interest

15/04/2013

15/04/2013

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# CHILTERN RAILWAYS



**TITLE:**  
 Chiltern Railways  
 (Application to Oxford Improvements) Order

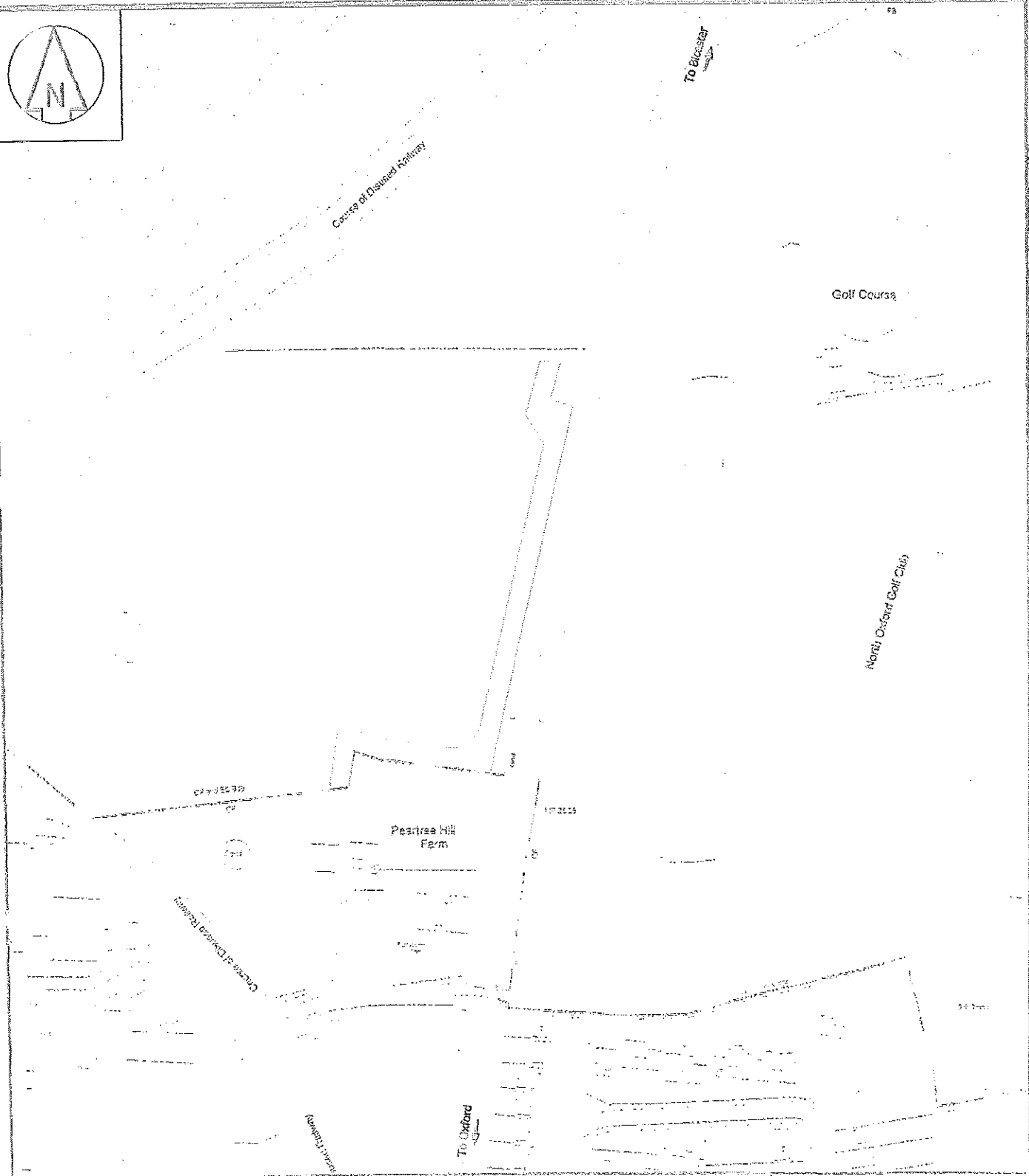
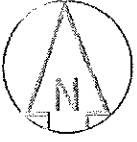
**KEY:**  
 Land Parcel of Interest

By Order of the Secretary of State  
 for Transport

THE SECRETARY OF STATE FOR TRANSPORT  
 10, WHITEHALL, LONDON, W1B 3AL  
 TELEPHONE: 01-275 3100  
 TELETYPE: 01-275 3100  
 FAX: 01-275 3100  
 INTERNET: www.dft.gov.uk



# CHILTERN RAILWAYS



**TITLE:**

Chiltern Railways  
(Bicester to Oxford (approximate)) section

**REF:**

OS 1:50,000 1:25,000

Scale 1:50,000

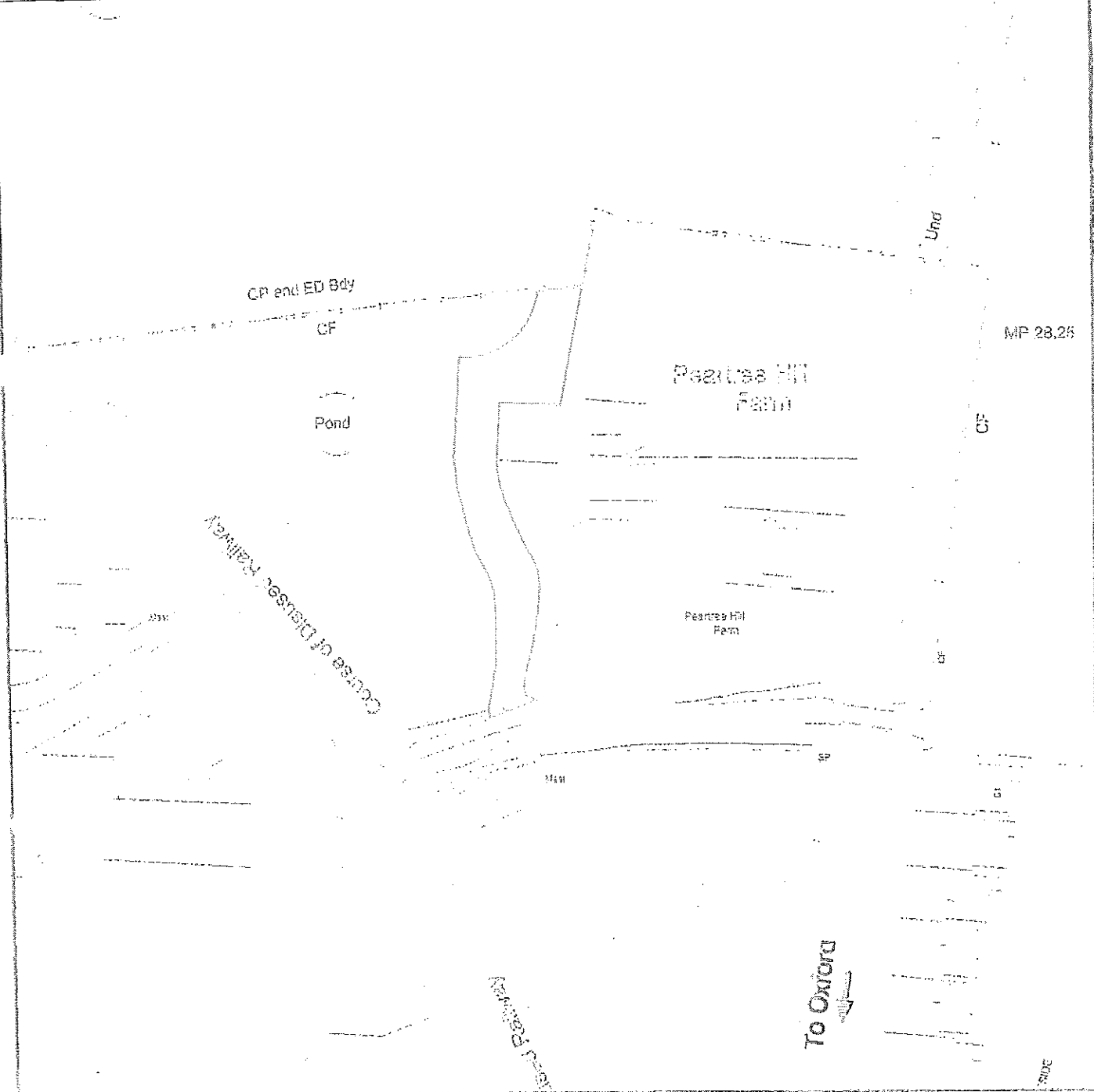
OS 1:50,000 1:25,000

OS 1:50,000 1:25,000

# CHILTERN RAILWAYS



To Bicester



TITLE:

Chiltern Railways  
(Bicester to Oxford (Improvements) Order)

KEY:

Land Parcel of Interest

Scale: 1:50,000

Date: 19/12/17

Ref: 08\_21017

3 April 2018 08:00 - 08:00

08/12/17

08/12/17

# CHILTERN RAILWAYS



To Bicester  
Und

CP and ED Bdy

CF

MP 28.25

Pond

Peaytree Hill Farm

1/5

COURSE OF DISMANTLED RAILROAD

Peaytree Hill Farm

5

21st

EP

3

COURSE OF DISMANTLED RAILROAD

LANE SIDE

To Oxford

TITLE:

Chiltern Railways  
(Oxford to Oxford Instruments) - under

KEY:

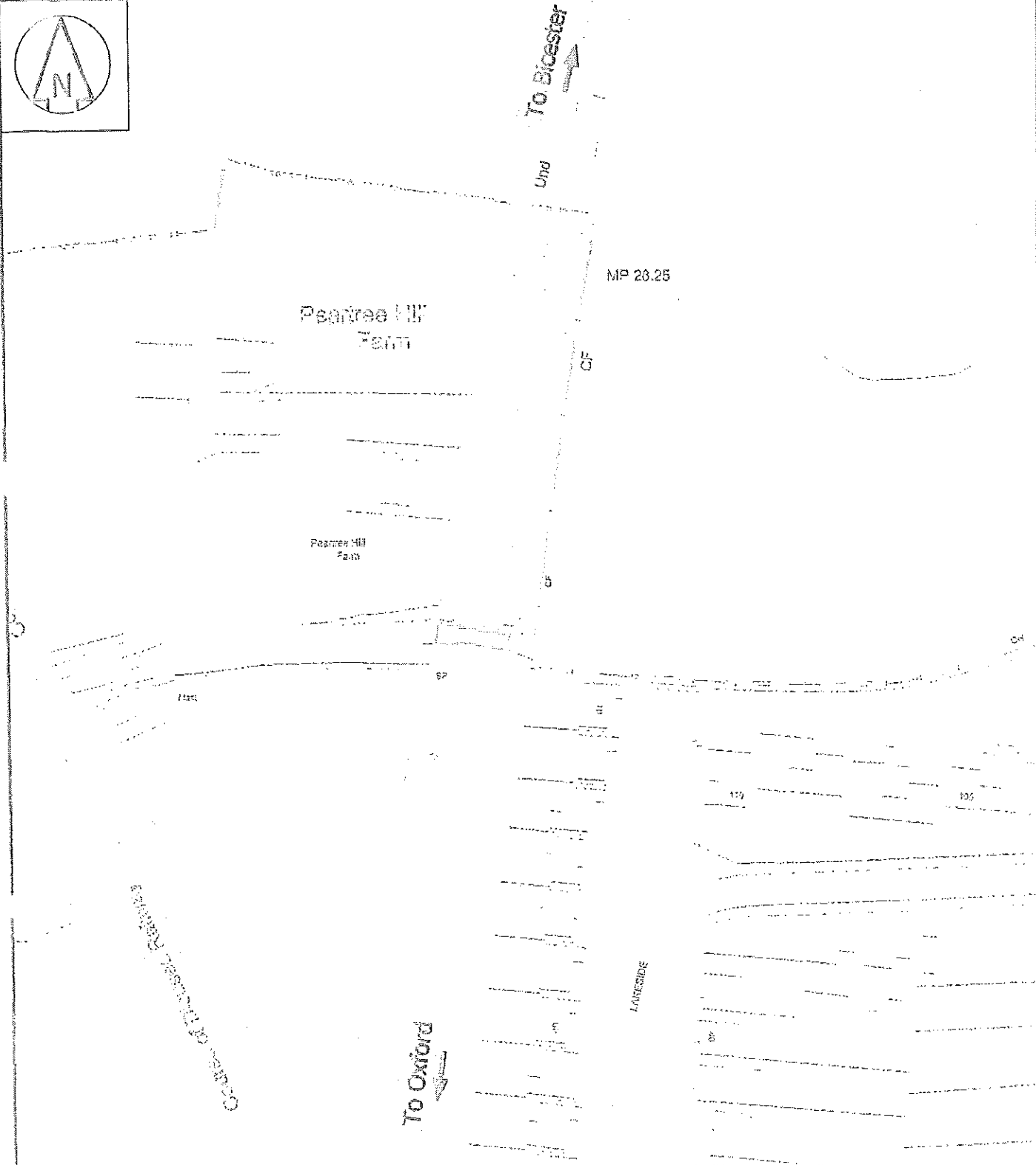
Land Parcel of Interest

Sheet 01\_2-026

01\_010-01\_02603\_28 - Chiltern Railways

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# CHILTERN RAILWAYS



**TITLE:**

Chiltern Railways  
(Bicester to Oxford (expressions to) - under

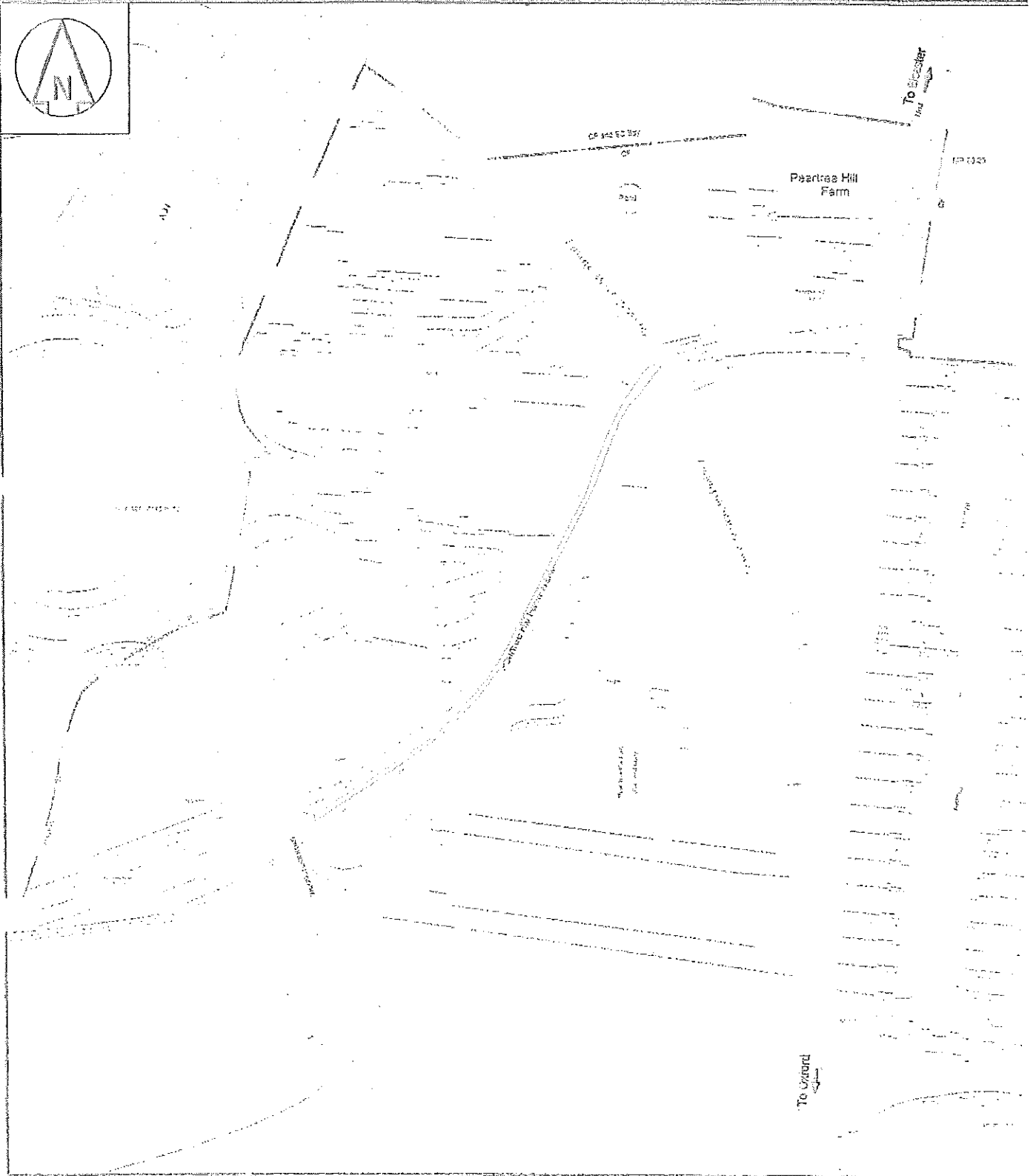
**KEY:**

Land Poss. Int. Interest

20/10/02 DP, 1/1/03

1/1/03 DP, 1/1/03

# CHILTERN RAILWAYS



Chiltern Railways  
 (Transfer to United Improvement (SI) Order)

**KEY:**

Land Parcel of Interest

1 of 12 CP 445 50 337

5/1/2000 09:30:00 AM - 09:30:00 AM

09/11/2000 10:30:00 AM - 10:30:00 AM

Received by DL 242 17278

4 February 2010

PVL\CJD E:\\_WRAP\Estates\Exeter College\Paul Lindon\ChilternRail\DeptTransport\ObjectionLet4Feb.doc

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

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Dear Sir

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

We act on behalf of the Rector and Scholars of Exeter College in the University of Oxford. We are writing formally to object to the above Order.

**Background**

Exeter College has been at the forefront of education and research at Oxford University since 1314. The land holding affected by this scheme has been owned by the College for many years. The College is a charitable organisation and its land holdings are managed in order to maximise their long term value, particularly with development in mind. Development is likely in this area given the proximity of the land to Oxford. The objections are as follows:-

**Objections**

- 1 The proposal includes the permanent footbridge in relation to Footpath no.10 that crosses the College's land. Whilst the College fully respects rights of way and understands that a permanent footbridge is the best solution for the public to cross the line, the presence of a permanent structure would make it more difficult in the future for the footpath to be diverted when the land ultimately is developed. This would make the College's long term development proposals less flexible and further consideration needs to be given as to whether the footpath should be diverted as part of the scheme to a more beneficial position agreed for the footbridge. It is contended that the construction of the footbridge is not required for the scheme but may be desirable for operational purposes. This is not a good reason for use of compulsory purchase powers.
- 2 It appears that the Draft Order was served on both Merton College and Exeter College in respect of DP No.24008. Clearly this is an error which needs to be rectified.

Please acknowledge this formal objection. Future correspondence from yourselves in relation to these matters should be sent to us at the above address.

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

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Registered office: 20 Grosvenor Hill, London W1X 3HQ



We reserve the right, on behalf of our clients, to provide full and further particulars and additional information at any subsequent Public Inquiry.

Yours faithfully

A handwritten signature in black ink, appearing to be "P. Lindon", written over a light blue horizontal line.

**Paul Lindon MA FRICS**  
**Director**  
Savills (L&P) Ltd

16.02.10

Our Ref: PC/P3.25.2/EG3/001

Your Ref: PVL/CJD

Mr P Lindon  
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 Lindon

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

I refer to your letter dated 4<sup>th</sup> 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:

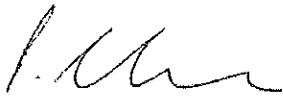
1. You consider that there is no need to close the unused level crossing linking your client's property. In order to ensure the safety of rail users and crossing users, Chiltern Railways is seeking the necessary powers to close all but one of the 38 crossings on this line, as part of the TWA Order application. This is to meet the current Network Rail and Office of Rail Regulation guidelines that state, 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/](http://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.

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.

2. The Land Registry plans for the registered titles of both colleges do not conclusively show which the owner of plot 24008 is. 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,

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

**Paul Clarke MRICS**  
**Associate Director**

cc C Baker - ERM