

020/39

Chiltern Railways  
c/o Eversheds LLP  
One Wood Street  
London EC2V 7WS

27 July 2010

Your ref: PETOM/119788-010009  
Transport and Works Act 1992 (TWA):  
Application for the proposed Chiltern Railways (Bicester to Oxford improvements) order

Dear Sir

We would like our objection letter (enclosed), to be considered as our statement of case at the forthcoming inquiry, together with the following additional points.

1. Chiltern Railways assert that their plans to change the Park & Ride junction on the A4165 will improve traffic flow, but they are still overlooking the simple fact that in the morning traffic, the Park & Ride junction is not the cause of traffic backing up to the Kidlington roundabout – the traffic backs up from the Cutteslowe roundabout and sometimes extends well into Summertown itself. Any increase in traffic along this section of road during busy periods will therefore inevitably compound the traffic congestions. Furthermore, Chiltern Railways cannot predict the increase in traffic that will be generated by the new station. This is likely to have far wider implications in the local area, adding congestion to the A34 and extending to the Pear Tree intersection and inevitably the Kidlington roundabout as traffic attempts to access the station.

The increase in traffic at peak times in the evening turning right out of the station will result in further delays to traffic flow along the A4165 as it will be necessary to stop the traffic on the main road for longer periods to allow more traffic out of the car park. The overall increase in traffic will have a knock-on effect for the already greatly congested Pear Tree roundabout and all roads in the area.

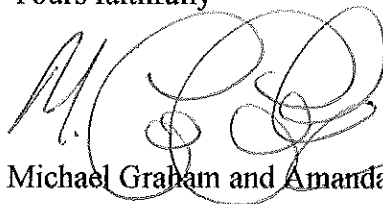
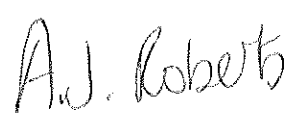
2. We are concerned that Chiltern Railways are not listening properly to the views of Islip residents with regards to plans to build a footbridge to replace the current Mill Lane crossing. The drawings submitted are for a far larger structure than anyone believes is necessary, impacting on the privacy of properties located in the vicinity and also on local views and Chiltern Railways are not doing enough to try to find a solution to this issue. In particular, it has been suggested by many residents that a tunnel ought to be considered as an alternative to a bridge. Chiltern engineers have so far dismissed this proposal as something they simply wouldn't do.

3. We do not feel that Chiltern Railways are listening to our concerns about the increased noise from more trains running at high speed close to our and other properties. It is a fact that we will suffer from more noise more frequently than we do at the moment, by Chiltern Railways' own admission the noise impact without mitigation is described as "substantial", but Chiltern Railways appears to be trying to 'blind us with science' in terms of what they have to provide. The suggestion of acoustically upgraded double glazing does not help to address the noise levels outside of the house, whilst relaxing in the garden. We therefore would support the erection of a noise barrier, as per Figure 3.15 & 3.16. There is, however, a simple solution here that Chiltern Railways does not want to listen to, which is that trains run at a lower speed until they have passed through Islip – after all, the village is only 3.2 miles from the Water Eaton hub, (by road, the direct distance by rail is even shorter), so that solution would add minimal time to the journey time.

4. With regards to Chiltern Railways' occupation of Mill Street, we would like to explore an agreement between both parties, as suggested in Paul Clarke's letter of July 6<sup>th</sup>.

It would appear that Chiltern have decided how they are going to proceed regardless of local views which they show very little inclination to listen to and even less inclination to work on solutions to overcome objections.

Yours faithfully

  A.W. Roberts

Michael Graham and Amanda Roberts

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Your Ref

Our Ref  
DZO/ADW/Y062652

Date  
11 February 2010

Dear Sir

## **Transport and Works Act 1992 Objection to the Draft Chiltern Railways (Bicester to Oxford Improvements) Order**

This is a letter of objection to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order ('the Order') applied for on 6 January 2010 by the Chiltern Railway Company Limited ('Chiltern'). The objection is made on behalf of Michael Graham and Amanda Roberts ('the Objectors') of Mill Farm House, Mill Street, Islip, Kidlington.

### **Background**

The Order is for works that would enable trains to run from London Marylebone to Oxford via Bicester. The Objectors' property comprises a family home and two acres of land adjacent to the railway line between Bicester and Oxford. The Order proposes that this section of line is upgraded from single-track to double-track to allow more trains, travelling at higher speeds, to use it. To carry out these works, the Order provides that Chiltern can temporarily occupy a section of Mill Street, a private road leading to the Objectors' property, over which they have rights of access. The proposed works also involve the construction of a new bridleway and overbridge crossing on Mill Lane close to the Objectors' property.

Whilst Chiltern claim to have carried out extensive stakeholder consultation, the Objectors submit that the level of engagement during the development of the proposals has been inadequate. Despite them raising their concerns following their attendance at roadshow events held in Kidlington and Bicester in April 2009, no-one has contacted the Objectors on behalf of Chiltern or been to visit their property to assess the specific impacts that are likely at the site.

Further, the Objectors consider that the proposals are misconceived and will not produce many of the benefits, particularly reduced road congestion, that are predicted. By Chiltern's own admission, there will be an increase in traffic on the A4165 Kidlington to Oxford Road where the proposed Water Eaton Parkway Station will be built. The road is already congested here, and the proposed modifications to the traffic systems in that location will not affect the principal source of the congestion, which is the Cutteslowe roundabout at the junction of the A40.



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The Objectors' specific concerns can be summarised as follows:

- (a) the construction and operation of the railway will result in unacceptable levels of noise at their property;
- (b) the temporary occupation of Mill Street during the works will cause undue disruption to their rights of access; and
- (c) the closure and replacement of Mill Lane level crossing.

Details of each of these concerns are set below.

## Noise

The Environmental Statement ('ES') submitted with Chiltern's application identifies the Objectors' house, Mill Farm, as a property that is likely to be affected by high levels of noise impact from the construction and operation of the railway. This noise would cause undue interference with the Objectors' peaceful enjoyment of their property.

The most significant noise impacts will result from the operation of the railway line once the upgrading works are completed. Currently, one train every 90 minutes passes along the line. Once the works are completed, this will increase to 6 trains per hour which will travel at much higher speeds than the current service. The incidence and level of noise from passing trains will therefore be significantly increased.

Despite classifying the predicted noise impacts as 'high', the ES estimates that Mill Farm will not be eligible for noise insulation works under the Noise Insulation (Railways and Guided Transport Systems) Regulations 1996. The ES states that Mill Farm will be amongst the properties that are considered for noise insulation works under Chiltern's own non-statutory scheme, but provides no reassurance that the property will, in fact, be eligible, or that the insulation measures taken will be sufficient to reduce noise to an acceptable level.

The ES also notes that noise mitigation measures, such as the erection of noise barriers alongside the track, are unlikely to be visually acceptable in the location of the Objectors' property. Given the high noise impacts that will occur, and the predicted difficulty of providing acceptable mitigation, it would be more appropriate for the upgraded section of line to run through a cutting which would reduce noise impacts at adjacent properties. Insufficient consideration has been given to this option during the development of the proposals.

The Objectors are concerned not only by noise levels inside the house, but also by noise outside the property and, in particular, the effect this is likely to have on local ecology at the site. The site is home to nesting bird populations which feed on the insects which are hosted by the nearby River Cherwell. These insects include the Blandford fly whose bites cause pain and swelling and can require medical treatment with antibiotics. The Objectors are concerned that noise from the construction and operation of the proposed railway will drive away the birds that currently feed on these biting insects, allowing insect numbers to increase unchecked.

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The Objectors submit that the Order should not be made unless appropriate mitigation and insulation measures are put in place which will ensure noise impacts at their property are reduced to an acceptable level.

## **Occupation of Mill Street**

The Order would give Chiltern the power to occupy parcel 19008 temporarily for the purposes of accessing its works. This parcel comprises the private road (Mill Street) which provides access to the Objectors' property. Chiltern's occupation of this land could potentially be exclusive and includes the right to construct temporary works or buildings on the site.

Chiltern's right to occupy this land from the start of the construction works (scheduled for 2011) until up to a year after the works are finished could restrict and disrupt the Objectors' access to their property. If Chiltern took exclusive occupation of the whole road, this would block the only means of vehicular access to Mill Farm House. Even if Chiltern occupied a smaller section, the road is narrow, so its use by large construction traffic could severely limit the Objectors' rights of access.

The Objectors submit that the Order should not be made unless appropriate arrangements are made to provide for uninterrupted rights of access to their property during the period of Chiltern's occupation. The arrangements should include measures to prevent and immediately repair any damage caused to the road by the construction traffic and to control dust and dirt that will be generated during the works.

The Objectors are also concerned by safety issues that may arise from the use of Mill Street by construction traffic. The Objectors own the field on the opposite side of Mill Street which is used as a play area by their children. The children are used to crossing Mill Street to access the field, and the Objectors wish to ensure that children continue to be able to cross Mill Street during the period of Chiltern's occupation and that appropriate safety measures are put in place to ensure their safety from construction traffic when crossing.

The Objectors further submit that the time limit on Chiltern's power of temporary occupation be reduced from the current proposal which allows occupation for 1 year after the works have been completed. This period is excessive and unreasonable and should be reduced.

## **Closure/Replacement of Mill Lane Crossing**

The Order also proposes the closure of the level crossing on Mill Lane and its replacement with a bridleway crossing (including an overbridge) which will be built approximately 150 metres to the north of the existing crossing.

Whilst the Objectors have no objection to the principle of this crossing, they are concerned that the overbridge could overlook their property and infringe their privacy. The indicative plans show the bridleway which leads up to the overbridge ascending in a north-easterly direction away from the Objectors' property. This design is acceptable to the Objectors and they wish to ensure that the finished design does not significantly depart from this layout.

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The Objectors would wish to have their concerns satisfied prior to any public inquiry held in the application for the Order. Pending the outcome any such discussions, they would wish to have the opportunity to appear at any public inquiry.

Please send any correspondence relating to this objection to this address, marked for the attention of Duncan O'Connor.

Yours faithfully

*Bircham Dyson Bell LLP*

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