

# **STATEMENT OF CASE**

**OF**

**Dr and Mrs Stephen Young**

**in relation to the**

**Transport and Works Act 1992**

**Transport and Works (Applications and Objections Procedure) Rules 2006**

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

**Public Inquiry**

## **1. Background**

- 1.1. Dr Stephen Young and Mrs Deborah Young are joint owners and occupiers of 398 Woodstock Road, Oxford. We are adversely affected by the terms of the proposed Chiltern Railways (Bicester to Oxford Improvements) Order and have formally objected to the making of it in its current form.
- 1.2. We consider there will be extensive effects from the proposed works resulting in considerable disruption during construction and permanent long term adverse effects on our property.
- 1.3. Our principal concerns are set out below.

## **2. Increased Noise and Vibration**

- 2.1. The draft Order envisages a significant increase in train movements and speeds along the route, including increased hours of operation and faster trains increased in passenger capacity and carriage length. There are also planned increases in freight train operation, including use for long distance freight services, and it is possible that the demand for freight trains will increase further. Any increases will result in increased levels of noise and vibration, and the draft Order proposals for new track are likely to bring trains closer in proximity to our property with a consequent permanent increase in levels of noise and vibration. The current operational railway already results in noise and vibration to the detriment of the property and the anticipated increase will mean that such train noise will be overwhelming in the garden of our property and will necessitate windows remaining closed within the property.
- 2.2. It is anticipated that cracking and structural defects will be greatly increased at the property as a result of increased number of trains and increased size and frequency of operation on the line. No measures appear to have been

identified to assist in ensuring cracking and structural damage to the property does not occur. We fear that subsidence may also be an issue and require details of what measures are being taken to protect properties from subsidence. To date no technical details of how the Promoters will deal with this issue have been provided.

2.3. The proposals under the draft Order will also result in night-time construction which impacts on our property in Woodstock Road, and those impacts are likely to be unacceptable without significant and extensive mitigation measures to alleviate disturbance from noise, vibration, light pollution and activities of night-time working. It is noted that 24-hour construction activity will occur within Wolvercote Tunnel.

2.4. We note the proposals for adherence to a code of construction practice, and that it will encapsulate the relevant statutory codes. The provisions contained within it are not considered sufficiently comprehensive to alleviate or mitigate the adverse impacts of the scheme to any extent likely to prove acceptable to those immediately neighbouring the scheme.

### **3. Operational Concerns**

3.1. We are particularly concerned that the future operation of the railway will prevent our quiet enjoyment of our property. The anticipated noise levels will not be acceptable within the property without environmental mitigation measures. Operational issues such as trains using their horn or whistling before entering and again on exiting the Wolvercote Tunnel are of concern, as the tunnel entrance and exit are in close proximity to our house. We also have concerns that the measures proposed to reduce noise caused by the wheel rail interface would not be maintained in practice. Details currently available of speed restrictions and night-time operation also cause concern and no mitigation measures have been proposed that are sufficient to address these concerns.

#### **4. Design**

- 4.1. We have significant concerns in relation to the design and specification of the proposals, and whether all reasonable measures will be taken to reduce the impact of the proposals on our property. In particular we have concerns in relation to the specification for the rail track, track bed, engines and carriages, track dampeners', and the increased noise and vibration which may be caused if the Promoters are not required to use the latest technological developments in these areas.
- 4.2. We are also not sure what level of landscaping would be maintained following the construction works. The removal of the current landscaping between our property and the railway would result in a significant loss of privacy and increase in noise pollution.
- 4.3. We are concerned to ensure that any trees or hedgerows which would need to be removed during construction would be replaced with suitable alternatives.
- 4.4. We are not clear of the design proposed for Wolvercote Tunnel. Although all the concerns mentioned in this statement would still be relevant, we would be more supportive of the scheme if a cut and cover tunnel was constructed alongside our property and that of our neighbours' properties.

#### **5. Mitigation Measures**

- 5.1. We will require significant and extensive mitigation measures which do not appear to have been offered as a standard measure for adversely affected properties or envisaged as necessary at the present time. As an occupant of a property near to the Wolvercote Tunnel, noise attenuation measures will be necessary to allow the property to continue to be utilised. Some noise barrier installation to address the entry and exit of trains to the Wolvercote

Tunnel may be required, and should be offered as part of the mitigation and protection measures for 398 Woodstock Road. In addition, the property is not currently fully double-glazed and should benefit from provision of full double-glazing provided by way of mitigation to minimise noise, as it is anticipated the property will suffer substantial noise impact. The installation of anti-vibration measures may also alleviate adverse impacts, particularly cracking and structural undermining, and should be in place to mitigate the effects of the Order. An independent surveyor should be appointed by the Promoters to act on our behalf and assess these risks and recommend preventative measures to be implemented by the Promoters. Measures such as welded track, rail dampers and track of the requisite quality and specification to allow the quietest possible operation should be the minimum specification for proposals to upgrade the railway as proposed in the draft Order. The rolling stock to be used in connection with the upgraded facilities will also need to be of the highest specification and standard to ensure operations are at the quietest level possible.

- 5.2. Concerns also arise in respect of the construction period of the railway should it be authorised under the draft Order. The increased vehicular movements to service the construction of the proposed works will result in heavy goods vehicles increasing in number and frequency within the local road networks. There is also the possibility of increased debris on the roads and wheel-washing facilities should be in place to ensure safety is maintained on the surrounding road network.
- 5.3. The Wolvercote Roundabout is already at full capacity and the proposals for additional car parking at Water Eaton will exacerbate the situation in respect of that roundabout and access in and out of our property will be considerably more difficult as a result of the proposals. In addition to concerns about the immediate access to our property, the proposals are likely to increase traffic congestion on the A34 and Oxford ring road generally. It also appears that the impact of commuters on any future

Northern Gateway development has not been fully assessed. Conditions and mitigation measures to meet these points should be imposed by the Inspector.

## **6. Compensation**

- 6.1. Our objection is not solely an objection on potential compensation for loss and damage. However, matters of compensation are of relevance and, at the present time, the promoters of the draft Order have failed to offer any assurances in respect of mitigation measures such as sound barriers, noise attenuation measures, working practices and codes of practices for night-time working, double-glazing and underpinning should properties be at risk of subsidence. We also note that no compensation has been offered in respect of the inevitable noise, dust, and general interference we will suffer during the proposed construction works.
  
- 6.2. We continue to object to the making of the Order on the basis that sufficient compensatory measures have not been put in place to allow objectors to secure satisfactory mitigation and compensation through negotiation and the Order to proceed. Nor has sufficient information been produced to address issues raised at the objection stage so that we can be sufficiently confident that measures are in place to allow withdrawal of our objection. We cannot accept several of the claims made in the Statement of Consultation.