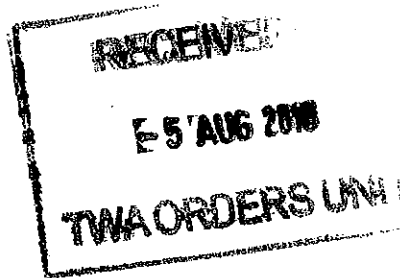


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Your Ref

Our Ref
LRT/ADW/Y062797Y0
62797

Date
5 August 2010

Dear Sir

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

This letter is sent on behalf of our clients, Mr Luciano and Mrs Christine Howard of Chipping Farm, Bletchingdon Road, Islip, Kidlington, OX5 2TH.

Statements of Case are to be provided no later than 6 August 2010 by those who wish to present evidence to the Inquiry into the above Order.

Negotiations are progressing well between Mr and Mrs Howard and Chiltern Railways with a view to concluding an agreement to address all of Mr and Mrs Howard's concerns.

It is hoped that it will not be necessary for Mr and Mrs Howard to appear at the Inquiry but until agreement is reached with Chiltern Railways we are not in a position to be able to confirm this.

We shall be grateful if you would take the objection letter (dated 15 February 2010) as Mr and Mrs Howard's Statement of Case, should it be necessary for them to appear at the Inquiry.

A copy of their objection letter is included for ease of reference.

Yours faithfully

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Your Ref

Our Ref
NAJ/ADW/Y062797Y0
62797

Date
15 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 by Chiltern Railways on 6 January 2010. The objection is made on behalf of Mr Luciano and Mrs Christine Howard, of Chipping Farm, Bletchingdon Road, Islip, Kidlington, OX5 2TH.

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 2.0 acres of land to the east of Islip and near 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 Railways can acquire Chipping Farm track ('the Track') (parcels 16a009 and 17a001) to provide accommodation access. This is currently a private track over which the Objectors and three others have rights of access. The Objectors have an obligation to pay 20% of the costs of maintaining the track. The freeholders of the land are the Church Commissioners.

The Objectors' specific concerns can be summarised as follows:

- (a) the Objectors do not wish to dilute or lose their use and enjoyment of the Track;
- (b) the Objectors do not wish the Track to be widened, with attendant loss of vegetation;
- (c) the Objectors do not wish the Track to be used by construction traffic;
- (d) the potential for services to the Objectors' property to be disrupted; and
- (e) the construction and operation of the railway may result in unacceptable levels of noise at their property.

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Details of each of these concerns are set below.

Use of the Track

The Track is described as being acquired for the 'provision of accommodation access' in Schedule 2 to the draft Order, and it is further mentioned in article 25(5), where new rights may be created over it to provide vehicular access to those affected by the closure of Brookfurlong Farm Crossing. The extent of the accommodation access, in terms of who it would involve both at present and in the future, is not specified, nor is it set out whether any of those with existing rights would be extinguished. The effect on the maintenance agreement of extending access to others is also unknown.

The Objectors object to any diminution or loss of their rights to use and enjoy the track. Not only is it the only access to their residence, but the security of the property would be reduced. Furthermore, it is a tranquil and restful area that contributes to the value of their property and is one of the reasons why they purchased it.

Alterations to the Track

The Track is presently single-track with two passing places. The land is described in the Book of Reference as comprising a track, trees, shrubbery and thickets. The implication is that Chiltern Railways will be able to acquire the trees, shrubbery and thickets as well as the Track itself, and remove or reduce them, either to widen the track or for any other reason. The Objectors object to any loss of vegetation along the Track, whether in order to widen it or for any other purpose.

Use of the Track during construction

The Track is not suitable for heavy vehicles and passes close to the Objectors' home. Although its acquisition is described as for 'accommodation access', this is not defined and the Objectors would object to its use by construction-related vehicles at any stage of the project.

Services

The Objectors are concerned that, as often occurs during construction projects, there are planned or accidental interruptions to services. They would wish to be assured that there will be no planned interruptions to any services to their property and that there is a protocol in place for dealing with any accidental interruptions swiftly.

Noise

The Environmental Statement ('ES') submitted with Chiltern's application does not identify the Objectors' house, Chipping Farm, as a property that is likely to be affected by noise from the construction and operation of the railway. The Objectors would wish to be sure that the predicted noise impact during construction and operation will not be significant and that they will have adequate remedies should disturbance in fact occur.

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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.

If there is an impact, either predicted by Chiltern Railways' consultants or when construction and/or operation take place, the Objectors would wish steps to be taken, such a cessation or reduction in work or operation, until steps can be taken such as the construction of noise barriers or noise insulation works under Chiltern Railways' own non-statutory scheme, sufficient to reduce noise to an acceptable level.

The Objectors are concerned not only by noise levels inside their property, but also by noise outside and, in particular, the effect this is likely to have on local ecology at the site. The Objectors are concerned that noise from the construction and operation of the proposed railway will drive away the local wildlife and reduce the amenity of the area.

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

Conclusion

The Objectors would wish to have their concerns satisfied prior to any public inquiry held in the application for the Order. Pending the outcome of any such discussions, they would wish to have the opportunity to appear at any public inquiry. The Objectors also seek reassurance that their legal costs in objecting to the draft Order will be met by the Promoter.

Please send any correspondence relating to this objection to this address, marked for the attention of Nicola Jordan.

Yours faithfully

Bircham Dyson Bell LLP

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