

OBJ/183

STATEMENT OF CASE

On behalf of

THE CHURCH COMMISSIONERS FOR ENGLAND

in relation to

Transport and Works Act 1992 (TWA)

Application for the

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

Various Locations in and around the Village of Islip, Oxfordshire

Sent to:

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

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

Ref: TWA/10APP/02/OBJ/183

Ref: PETOM/119788-010009

1. **INTRODUCTION**

- 1.1 This is the Statement of Case for The Church Commissioners for England ("the Objectors") for the Pre-Inquiry Meeting on 7th September 2010 into the application for the proposed Chiltern Railways (Bicester to Oxford Improvements) Order, which is being promoted by Chiltern Railways.

2. **THE OBJECTORS**

- 2.1 The Objectors have received notice of the draft Compulsory Purchase Order dated 6th January 2010, in their capacity as freeholder and having interest in the plots as described in the schedule attached to the Proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

We believe the plot numbers contained within the said schedule, represent all those areas impacted upon and which the Objectors own the freehold and or have interest in them but this objection relates to any other land impacted upon by the proposed scheme and not necessarily identified above.

3. **OBJECTION**

- 3.1 The general justification for objecting to the use of compulsory purchase powers through the Proposed Chiltern Railways (Bicester to Oxford Improvements) Order includes:-
- 3.1.1 the loss of valuable property, the loss of potential development value; and
 - 3.1.2 the deleterious impact to the Objectors' retained land holding including from severance and injurious affection or inadequate reinstatement and the creation of parcels of land which might prove incapable of practical and economic use consequent to the proposed scheme.

These and other problems will be intensified as there are already issues of inaccessibility through the village and surrounding areas for agricultural equipment and machinery.

We also object to the significant disturbance that would be caused to the Objectors' landholding and the occupiers of their property during the construction period of the proposed scheme and the economic and social consequences thereof which in our experience is never properly recognised.

3.2 The Objectors argue that Chiltern Railways is proposing to acquire more land than is required to construct the Scheme.

3.3 The Objectors argue that Chiltern Railways is proposing to utilise more land than is required for accommodation works to support the scheme.

3.4 The Objectors argue that the proposed works to the railway crossings is not necessary for the proposed Railways Improvement.

4. **PRESENTATION OF CASE**

4.1 The Objectors case will be relying on this initial Statement of Case and reserve the right to submit further evidence in due course prior to the Pre-Inquiry Meeting on 7th September 2010.

4.2 The Objectors reserve the right to make any further submissions relevant to their case.

5 **DOCUMENTS**

5.1 It is intended that the following documents will be submitted prior to the Pre-Inquiry Meeting on 7th September 2010 :-

- (i) Annex 1 - Schedule of Proposed land affected (attached).
- (ii) A plan of scale 1:3,000 dated 2nd February 2010 which identifies all the land affected edged red and the Objectors' ownership coloured green.
- (iii) The Objectors ownership in and around the Village of Islip which is dissected by the existing Railway Line and served by the railway crossings to the South West of the Islip village.
- (iv) A copy of an email dated 3rd August 2010 Angela Foster (on behalf of Peter Savage) confirming further submission and evidence may be submitted post 6th August 2010.
- (v) A copy of the agreements, including:-
 - (a) Agricultural Holdings Act Tenancy Agreement between the Church Commissioners and John Henman dated 1st July 1992;
 - (b) Agreement between the Church Commissioners and Miss Afra Kingdom dated 18th September 2007;

- (c) Agricultural Holdings Act Tenancy Agreement of Mill Farm between the Church Commissioners and Brian Henman dated 11th May 1987;
- (d) Farm Business Tenancy between the Church Commissioners and Brian Henman dated 5th September 2003; and
- (e) Grazing Licence between the Church Commissioners and Brian Henman dated 11th June 2010.

The Company Secretary
Church Commissioners for England
c/o Oliver Mead
Strutt and Parker
41 Milford Street
Salisbury
Wiltshire
SP1 2BP

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

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 of rights over land, powers of temporary possession and powers to impose restrictive covenants and 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
16023	21.48 Square Metres Brook (Gallos Brook) and bed thereof, shrubbery and thickets, north of Islip, Oxfordshire	Church Commissioners for England		
16024	421.24 Square Metres Trees, shrubbery, thickets and land to the south of Brookfurlong Farm crossing, Islip, Oxfordshire	Church Commissioners for England		
16026	20.84 Square Metres Brook (Gallos Brook) and bed thereof, shrubbery and thickets, north of Islip, Oxfordshire	Church Commissioners for England		
16027	584.88 Square Metres Trees, shrubbery, thickets and land to the south of Brookfurlong Farm crossing, Islip, Oxfordshire	Church Commissioners for England		
16a005	157.09 Square Metres Trees, shrubbery, thickets and land to the south of Gallos Brook, Islip, Oxfordshire	Church Commissioners for England		
16a007	126.80 Square Metres Trees, shrubbery, thickets and land to the south of Gallos Brook, Islip, Oxfordshire	Church Commissioners for England		
17002	481.15 Square Metres Trees, shrubbery, thickets and land to the north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
17003	517.24 Square Metres Trees, shrubbery, thickets and land to the north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
17004	39.85 Square Metres	Church Commissioners		

No on plan	Extent and description of the land or property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers
	Public footpath (FP260/4), trees, shrubbery, thickets and land to the north of Islip Station, Islip, Oxfordshire	for England		
17006	33.65 Square Metres Public footpath (FP260/4), trees, shrubbery, thickets and land to the north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
17007	6376.57 Square Metres Trees, shrubbery, thickets, brook (Islip Brook) and bed thereof and land to the north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
17009	6337.58 Square Metres Trees, shrubbery, thickets, brook (Islip Brook) and bed thereof and land to the north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
17012	1897.25 Square Metres Trees, shrubbery, thickets and land north of Islip Station, Islip, Oxfordshire	Church Commissioners for England		
19005	1203.03 Square Metres Shrubbery, thickets and land, Mill Lane, Islip, Oxfordshire	Church Commissioners for England		
19006	3580.23 Square Metres Farm track, ditch and bed thereof, trees, shrubbery, thickets and land to the south of Mill Lane, Islip, Oxfordshire	Church Commissioners for England		
19008	727.81 Square Metres Private road (Mill Street), public bridleway (BW260/1) and land, Islip, Oxfordshire			Church Commissioners (in respect of access)
19009	308.55 Square Metres Private road (Mill Street) and land, Islip, Oxfordshire			Church Commissioners (in respect of access)
19015	57.84 Square Metres Trees, shrubbery, thickets and land, Islip, Oxfordshire	Church Commissioners for England		
19016	2399.17 Square Metres Trees, shrubbery, thickets, pond and bed thereof and land, Islip, Oxfordshire	Church Commissioners for England		
20004	12057.01 Square Metres	Church Commissioners		

No on plan	Extent and description of the land or property	Freehold owners or reputed Freehold owners	Lessees or reputed Lessees	Tenants and Occupiers
	Trees, shrubbery, thickets, ponds and beds thereof and land to the north of the River (Cherwell), Islip, Oxfordshire	for England		
20005	1051.20 Square Metres Trees, shrubbery, thickets, ponds and beds thereof and land to the north of the River (Cherwell), Islip, Oxfordshire	Church Commissioners for England		
20006	558.52 Square Metres River (Cherwell) and bed thereof, shrubbery and thickets, Islip, Oxfordshire	Church Commissioners for England		Church Commissioners for England
20007	482.12 Square Metres River (Cherwell) and bed thereof, shrubbery and thickets, Islip, Oxfordshire	Church Commissioners for England		Church Commissioners for England
20008	62.05 Square Metres River (Cherwell) and bed thereof, shrubbery and thickets, Islip, Oxfordshire	Church Commissioners for England		Church Commissioners for England

RECEIVED

NOTICE RULE 15

- 7 JAN 2010

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c/o Oliver Mead
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41 Milford Street
Salisbury
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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
16a008	38.68 Square Metres Ditch and bed thereof, bridge carrying private farm track, shrubbery and thickets, to the east of Chipping Farm, Islip, Oxfordshire	Church Commissioners for England		
16a009	932.83 Square Metres Private farm track (Chipping Farm track), trees, shrubbery, thickets, to the east of Chipping Farm, Islip, Oxfordshire	Church Commissioners for England		
17010	170.70 Square Metres Railway (Bicester to Oxford), trees, shrubbery, thickets, drains and beds thereof and culvert, to the north of Islip Station, Islip, Oxfordshire			Church Commissioners for England (in respect of drainage)
17013	83.50 Square Metres Railway (Bicester to Oxford), Brook (Islip Brook) and bed thereof and bridge (OXD41) carrying railway, Islip, Oxfordshire			Church Commissioners for England (in respect of brook)
17015	142.08 Square Metres Railway (Bicester to Oxford), level crossing (Crossing Crossing), trees, shrubbery, thickets, drains and beds thereof, to the north of Islip station, Islip, Oxfordshire			Church Commissioners for England (in respect of access)
17a001	3542.48 Square Metres Private track (Chipping Farm Track), verges, shrubbery and thickets, to the north of Bletchingdon Road, Islip, Oxfordshire	Church Commissioners for England		

No on plan	Extent and description of the land or property	Freehold owners or reputed owners	Lessees or reputed Lessees	Tenants and Occupiers
19013	35.76 Square Metres Private track, to the east of Mill Farm Crossing, Islip, Oxfordshire			Church Commissioners (in respect of access)
19014	162.23 Square Metres Railway (Bicester to Oxford), level crossing (Mill Farm Crossing), private track at the end of Mill Street, Islip, Oxfordshire			Church Commissioners for England (in respect of access)
19019	15043.47 Square Metres Shrubbery, thickets and land, Mill Lane, Islip, Oxfordshire	Church Commissioners for England		
19021	9713.80 Square Metres Trees, shrubbery, thickets and land to the north of Mill Lane, Islip, Oxfordshire	Church Commissioners for England		