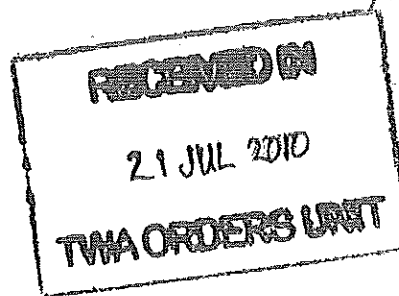


Weston Farms
Weston Park Farm
Weston on the Green
Bicester
Oxon OX25 3QE



Secretary of State for Transport
c/o Ms Angela Foster
Transport and Works Act Orders Unit
Department of Transport
Zone1/31
Great Minster House
76 Marsham Street
London SW1P 4DR

20th July 2010

Dear Ms Foster

**Transport and Works Act 1992 (TWA):
Application for the proposed Chiltern Railways (Bicester to Oxford improvements)
Order**

Without Prejudice

With reference to:

**Objection to the Draft Chiltern Railways (Bicester to Oxford Improvements) Order
by Mark Howard**

- your reference TWA/10/APP/02/OBJ/184

I refer to your letter of 17th June 2010 addressed to my solicitor, Mr Alex Hallett of Bircham Dyson Bell LLP, in which you set out the timescale for the forthcoming Inquiry to the above Order. You also ask for submission of my Statement of Case before 6th August 2010.

As an initial response to my objection Chiltern Railways' agent, Ardent Management, are in discussion with myself and my two neighbours - Mr Graham Honour and Mr Paul Miller, both of whom have submitted their own objections - in an attempt to resolve our concerns upon which our respective objections are based. These discussions involve the commissioning of detailed technical design drawings which will not be completed in time for Ardent and ourselves to have discussed them before your deadline of 6th August. Given that this is an attempt to resolve issues which, if successful, could lead to the withdrawal of our objections, it is in everyone's interest to allow the discussions to run their full course.

Chiltern Railways, through their solicitors Eversheds LLP, have given an undertaking that, given the reason for the delay as set out above, it would not make it a point of prejudice if our Statement of Case was not served by the date set, but rather at this point for us to rely on our original objection (as set out in letter of 16th February

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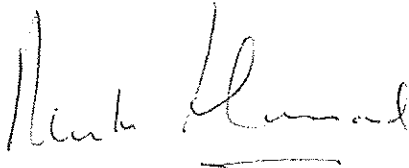
2010). This would allow, in the event of a failure to resolve our concerns, us to provide our substantive submissions at the Proofs of Evidence stage of the Inquiry. This undertaking is laid out and recorded in the email sent on behalf of Monica Peto (Partner Eversheds LLP) on 15th July 2010, to my solicitor as above.

In light of the information set down above, if the issues raised in my original letter of objection are not resolved satisfactorily,

- I confirm that I wish my objection to remain as originally detailed in the letter to you from my solicitor, of 16th February 2010 (our reference APH/ADW/Y062733).
- I confirm that I reserve the right to make my substantive submission at the Proofs of Evidence stage of the Inquiry, safe in the knowledge that the timing of this submission will not prejudice consideration of it in any way.
- I confirm that, if necessary, I will wish to make an oral submission at the Inquiry.

As requested a copy of this letter will be sent to Eversheds LLP, but if any further information is required please do not hesitate to contact me directly by any means as indicated on this letterhead.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Howard', with a horizontal line underneath the name.

Mark Howard

Bircham Dyson Bell

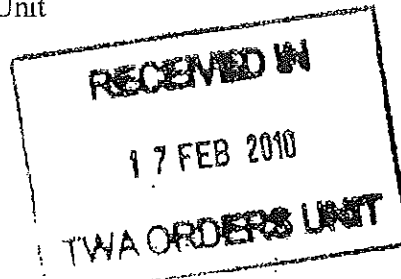
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Your Ref

Our Ref
APH/ADW/Y062733

Date
16 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 Mark Howard, of Weston Park Farm, Weston on the Green, Bicester, Oxon OX25 3QE.

Background

The Order is for works that would enable trains to run from London Marylebone to Oxford via Bicester. Mr Howard's property comprises an arable farm of 401 acres with land on both sides of the existing railway. An existing crossing over the railway provides access from the larger part of the farm on the north-western side of the railway to the 31 acres of land on the south-eastern side ('the Severed Land'). The Order will stop up the existing railway crossing, severing the Severed Land from the remainder of the farm. It provides no replacement access across the track. The Order also provides for the acquisition of part of Weston Park Farm ('the Farm') which will be used as replacement public bridleway. Mr Howard's specific objections to the Order can be summarised as follows:

- (a) consultation in connection with the Order has been inadequate;
- (b) there is no provision made within the Order for rights of access allowing Mr Howard to reach the Severed Land;
- (c) any compulsory purchase of land will negatively impact on the viability of the Farm and environmental support for the farm under the ELS Agri-environment scheme;
- (d) the stopping up of access over the existing railway crossing at the Farm will have a severe adverse effect on Mr Howard's business;

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- (e) the proposed scheme will impact on the visual amenity of the Farm as vegetation on the railway embankment that runs through the Farm will need to be removed to facilitate the Order Works.

Consultation

Whilst the applicant claims to have carried out extensive consultation, Mr Howard submits that the level of engagement during the development of the proposals has been inadequate. Initial discussions at a multi-stakeholder consultation held at the Oxford offices of ERM, in conjunction with Chiltern Railways' agents Ardent, on 2 September 2009 suggested that the Order would provide for the construction of a bridge over the railway between the M40 and Wendlebury Meads which would allow joint access for the Farm and neighbouring farmers Paul Miller and Graham Honour. Detailed plans showing siting and construction of this bridge were tabled at the time. However, with no further consultation this bridge has been replaced in the Order by a bridge on the other side of Holts Farm. This bridge (Work No.13) ('the Bridge') provides no access for either the Farm or Paul Miller. Mr Howard contends that consultation on the various options for the railway crossing has been inadequate and that this has resulted in a scheme that will create serious detriment to his farming operation by severing access to part of his farmland.

Stopping up of the existing railway crossing and future access

Stopping up of the railway crossing will result in the loss of direct access to the Severed Land. The Order does not provide for any alternative rights of access over the railway line from one part of the Farm to the other. In fact, in order to reach the Severed Land, Mr Howard would be obliged to travel approximately 15 miles via Bicester/Ambrosden or Islip. This trip would not only be prohibitively time-consuming but would also be impractical with heavy farm machinery. In addition, access rights which are not currently envisaged in the Order would need to be created from Charlton on Otmoor over Mansmoor Lane (a private road) and adjacent farmland to enable Mr Howard to reach the Severed Land.

Alternatively, in order for Mr Howard to use the Bridge to access his farm then new rights which are not currently envisaged in the Order would need to be created in his favour. These would need to allow vehicular access over the bridge itself and over Paul Miller and Graham Honour's land on both sides of the railway. In order to provide sufficient access for agricultural vehicles the access route would need to be concreted. There is no proposal in the Order for such an access route and, although the newly diverted bridleway could be used to provide part of the route, it would require further compulsory acquisition as the route would need to be at least 4m wide (against a 3m wide acquisition for the bridleway). It would also require turning circles at gateway points and passing places and it would be a significant undertaking to construct it.

It is Mr Howard's contention that the bridge option that was initially consulted upon (between the M40 and Wendlebury Meads) was a better option as it was one that provided access across the railway for Paul Miller and Graham Honour as well as for the Farm.

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Compulsory Purchase and Financial Viability

Mr Howard is opposed in general to the compulsory acquisition of his farmland. Any degree of compulsory purchase will inevitably have an impact on the ease of running the farm and on the turnover of the farm. This opposition extends to the proposed acquisition of part of the Farm to be used for the diverted public bridleway.

Mr Howard is concerned that, because 31 acres of his land is being severed from the rest and the Order is not providing reasonable rights of access to that land, he may be forced to agree to acquisition of the Severed Land (whether by compulsory acquisition powers or consensual transfer). This would negatively impact on the financial viability of the farm, particularly as arable farming benefits from economies of scale. The loss of 31 acres of land will also impact on the EU environmental support that Mr Howard can receive under the ELS Agri-environment scheme. The ELS scheme functions by allowing a farmer to amass environmental 'points' across the whole farm acreage; the farm has to reach a threshold of points before the scheme can function at all. The Severed Land itself is an important contributor to the whole farm scheme as the field's entire circumference is designated as a 6m ag-en uncultivated arable margin, allowing regeneration of rare arable weed species. The loss of this area, and its associated ag-en points, would mean losing the ag-en support for this acreage, incur a financial penalty for scheme non-compliance and could jeopardise the viability of the whole farm ag-en scheme by reducing the whole farm points to below the threshold. In addition, the whole of the Farm is subject to an option agreement with Parkridge Holdings Limited in connection with the proposed Weston-Otmoor eco-town. If Mr Howard loses 31 acres of land he stands to lose a proportionate amount of the annual payments that are due to him under the option agreement as well as any development proceeds should there be any development on any part of the proposed Weston Otmoor site. This would be a considerable financial loss for which he is unlikely to receive adequate compensation if the Severed Land is acquired by Chiltern Railways in connection with the Order.

Visual Amenity

Mr Howard is concerned that the visual amenity of the Farm will significantly deteriorate as a result of the removal of vegetation from the railway embankment to facilitate the Order Works. Our client seeks an undertaking from Chiltern Railways that after the works they will replant and landscape the embankment so that its visual amenity is reinstated.

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Mr Howard wishes to have his concerns addressed by Chiltern Railways prior to the public inquiry. In the event that the issues raised are not resolved satisfactorily then Mr Howard would wish to have the opportunity to appear before the public inquiry.

Please send all documentation to the above address, for the attention of Alex Hallatt.

Yours faithfully

Bircham Dyson Bell

Bircham Dyson Bell LLP