

STATEMENT OF CASE

OF

**Mr and Mrs E Williams
398B Woodstock Road
Oxford
OX2 8JW**

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. Mr and Mrs E Williams are the owners and occupiers of 398B Woodstock Road, Oxford. Mr and Mrs E Williams 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. Mr and Mrs E Williams property is a family residence used by themselves and their 3 young children. It is particularly adversely affected by the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.
- 1.3. Mr and Mrs E Williams are concerned there will be extensive effects from the proposed works resulting in considerable disruption during construction and permanent long term adverse effects on their property environment. In addition, more suitable alternative routes have been discounted prematurely by the Promoters of the Order.
- 1.4. Mr and Mrs E Williams principal concerns are set out below.

2. Increase in 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 if the former South East England Regional Assembly's suggested increases in minerals and aggregate extraction in Oxfordshire are

implemented. 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 398B Woodstock Road 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 Mr and Mrs E Williams' property and will necessitate windows remaining closed within the property at all times.

- 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. 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 impacts on Mr and Mrs E Williams' 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. Mr and Mrs E Williams 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 or within the limits of deviation for the scheme.

- 2.5. Mr and Mrs Williams are also fearful of future works to the proposed railway and improvements and upgrades that may be carried out under Permitted Development Rights once the railway is operational. These activities are likely to result in disruption, noise, inconvenience. Issues of air quality are also a concern with a growing young family.

3. Operational concerns

- 3.1. Mr and Mrs E Williams are particularly concerned that the future operation of the railway will result in quiet enjoyment of their property being so adversely affected as to significantly affect living conditions. 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. Mr and Mrs E Williams 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. The speed will need to be cut to 35pmh.

- 3.2. Under the current operational regime there is a problem with the presence of rats in and around the railway tunnel. An increase in the severity of this health hazard is envisaged, especially as it is understood effluent will be deposited directly from trains on to the railway line. The current situation will be aggravated as a result of the proposals in the draft Order. Again, no reassurances on operational methods to ensure control of vermin have been proposed. Again with young children it becomes dangerous to place rat traps in the garden especially when friends are visiting. This will lead to an adverse effect on the enjoyment of the garden and the surroundings. It will also be a

health hazard to eat in the garden due to increase of rat droppings on garden furniture and play equipment.

4. Mitigation Measures

4.1. Mr and Mrs E Williams 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 occupants of a property near to the track, 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 B 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 for Mr and Mrs E Williams to 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.

4.2. 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 rail network.

- 4.3. 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 the lane for the property of Mr and Mrs E Williams' will be considerably more difficult as a result of the proposals. In addition, the proposals are likely to increase traffic congestion on the A34 and Oxford ring road generally and increase the dangers of cycling to school for the children of Mr and Mrs E Williams. There is also a concern for the safety of the roads due to the increase in works traffic and traffic driving to the proposed new station. Many mornings it is difficult to get on to the Wolvercote roundabout and crossing the roads is also hazardous. 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.

5. Design

- 5.1. Mr and Mrs E Williams 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 their property. In particular they 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.

5.2. Mr and Mrs E Williams are also unclear of the design proposals for Wolvercote Tunnel. Although all the concerns mentioned in this statement would still be relevant, Mr and Mrs E Williams would be more supportive of the scheme if a cut and cover tunnel was constructed at the back of their property and that of their neighbours' properties.

6. Compensation

6.1. Mr and Mrs E Williams' 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. Mr and Mrs E Williams also note that no compensation has been offered in respect of the inevitable noise, dust, and general interference they will suffer during the proposed construction works and for the potential devaluation of their property.

6.2. Mr and Mrs E Williams are also concerned that no compensation has been offered in respect of payment of fees for advice from surveyors and legal representatives.

6.3. Mr and Mrs E Williams 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. Mr and Mrs E Williams are unable to assess the full impact of the proposed scheme on their enjoyment of their family property, and the safety of their children and their health as well as market value of their property.