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17 February 2010

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

Your ref: PETOM/119788-010009

Re: Application for the Chiltern Railways (Bicester to Oxford Improvements) Order

Dear Sir

I am writing to provide my Statement of Case to support my objection to the “Application for the Chiltern Railways (Bicester to Oxford Improvements) Order” dated 6th January 2010.

I am in favour of the project as a whole, but I object specifically to the proposed closure of the level crossing at Aristotle Lane in Oxford. I am a reasonably frequent user of the crossing because it gives me access to my allotment, which is part of the Trap Ground Allotments.

In my letter of objection, one of my grounds for objecting was that the mitigation works proposed by Chiltern Railways were not sufficiently detailed. So if the TWA order were approved as submitted, I would have nothing to rely on which defined the mitigation works which Chiltern would be required to perform. Despite various communications and meetings with Chiltern Railways since then, that is still the case, although I have seen some detailed draft proposals which Chiltern have produced. I hope that the proposed mitigation works will have been defined and agreed by the time of the enquiry and that my objection on grounds of lack of detail will no longer stand, but if that is not the case then I would wish to raise that objection again.

Summary

My objection to the proposals is detailed below. In summary I am objecting because:

- the proposal will seriously inconvenience me and other allotment users, and will force some members to give up their allotments;
- the proposal is unnecessary on safety grounds;
- the mitigation works proposed do not address the main inconvenience which closing the crossing will cause.

Inconvenience

The Aristotle Lane pedestrian level crossing gives convenient access to the allotment site across the railway line, and has done so since at least the 1920s.

Chiltern Railways propose that members make use of the nearby Aristotle Lane bridleway bridge to access the allotments, and make more use of vehicular access to the allotments across Port Meadow.

The immediate effect on the Allotment Association's members will be: a diversion of the access path of approximately 650m, including crossing a bridge with a height of 5 metres and an average gradient of 1 in 17; and the need to make more use of vehicular access across Port Meadow via a diversion of approximately a mile, i.e. increased motor traffic across a green space and Site of Special Scientific Interest.

At the moment, to get from the car park to the allotments on the other side of the tracks over the crossing is a level distance of about 30 metres. The closure of the crossing would make that a journey of an extra half a kilometre or so, including walking up and down a height equivalent to two storeys of a house. That will prove very difficult, particularly when carrying reasonably heavy loads of allotment produce, or gardening supplies. Some members of the association have said that they will be forced to give up their allotments.

In the TWA order Chiltern Railways suggest as partial mitigation that more use is made of the vehicular access across Port Meadow. In discussions with them it has become clear that they envisage a few (a figure of six was mentioned) of the less physically able members of the Allotment Association being given keys to the locked gate to the meadow, so they can drive across. This will do nothing for the two hundred or so more physically able members. More importantly, I believe that increasing motor traffic across Port Meadow is an unacceptable solution given its status both as a Site of Special Scientific Interest (SSSI) and as a valued green space in the heart of Oxford.

Safety

The current Aristotle Lane level crossing crosses three railway tracks which are reasonably close together. The configuration of the track beds at this point means that the new line which Chiltern Railways will need to lay will be some metres from the existing crossing. There will be plenty of space to build a fenced, safe waiting place for users between the existing crossing, and a new crossing across the additional single track. Therefore I believe we should be considering a) keeping the existing crossing over three tracks and b) providing a new crossing over the new single track. The Office of Rail Regulation (ORR) document "Managing level crossings: Guide for managers, designers and operators, Consultation, April 2010" states that in this case each crossing should be considered separately (para 154 on page 43).

I understand that Network Rail seeks to close crossings wherever possible, because they introduce an uncontrolled element of risk to safety and to the ordered running of the railway. I also understand that new crossings are allowable only in exceptional circumstances. I believe that the harm that would be caused to the allotment holders at the Trap Ground Allotments if the crossing were closed makes this an exceptional case.

The current crossing at Aristotle Lane is a particularly safe one, because it is pedestrian-only, it has excellent sight-lines, and there is a train speed limit of 90 mph at the crossing. In addition, since the crossing leads only to a locked gate to the allotments, it gets very low-volume use. Only allotment holders who know the key code can get anywhere useful via the crossing. Network Rail accepts that there is no history of misuse of the crossing.

A new crossing over the new single track would be even safer than the existing crossing. It will only cross one track, and the maximum train speed on the additional track will be 75 mph, i.e. slower than the speed on the existing crossing with three tracks.

The "Managing level crossings" document also states (para 3 page 11) that "ORR encourages innovative solutions to level crossing problems." I believe that an innovative approach could be made to include the following.

- 1) The crossing is made private to allotment association members by the use of appropriate gates and locks. This will limit the total number of users to something in the vicinity of 200 - 250 or so.

- 2) Those users are educated in the safe use of the crossing by instructions in the association's joining pack, guidance on the association website and occasional reminders.
- 3) An annual review is held between local Network Rail management and the association committee to address any concerns flagged by drivers (or any other railway employee) about the use of the crossing.
- 4) Automatic warning equipment should be installed on the two crossings (existing and new). I understand that this work cannot be done until the signalling is upgraded on the existing lines to Banbury, so a requirement could be placed on Network Rail to perform this work at a suitable time.

Proposals for mitigation

In the absence of detailed agreed designs for mitigation works, I can make only general comments. However it is clear that whatever proposals Chiltern come up with, the basic fact will remain that allotment holders will be required to climb up and down the equivalent height of two flights of stairs, and walk an additional 650 metres or so, both when going to, and returning from, the allotments. Since allotment holders are normally carrying loads in both directions, then even with the mitigation proposals, it will become very difficult to continue to use the allotments.

Having said that, if the crossing is ultimately closed, then the alternative route will need to be substantially improved.

Yours faithfully,

Jonathan Clark

Attachment: Managing level crossings: Guide for managers, designers and operators, Consultation, April 2010