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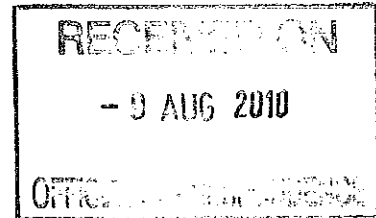
**C. R. J. ANSTEY**  
Chartered Surveyors and Land Agents

OAKAPPLE FARM, MARSH GIBBON, BICESTER, OXON. OX27 0AL

DBS/241

CRJA/LAL/2595

Secretary of State  
Department of Transport  
Zone 1/31 Great Minster House  
76 Marcham Street  
London  
SW1P 4DR



4<sup>th</sup> August 2010

Dear Sir,

**Transport & Works Act 1992 (TWA)**  
**Application for the proposed Chiltern Railways (Bicester to Oxford**  
**Improvements) Order**  
**Our Client: Mr Paul Miller – Ref. TWA/10/APP/02/OBJ/241**

We are instructed to act as Chartered Surveyors and Land Agents for and on behalf of Mr Paul Miller in connection with the above matter.

We understand from your letter dated 17<sup>th</sup> June 2010 that we are required to submit a Statement of Case on behalf of our Client under Rule 7(3) of the Inquiries Rules given that we have requested the right to present oral evidence to the Inquiry.

However, we have been advised by Ardent Property Consultants, Consultants to Chiltern Railways, that special derogation has been granted to our Client whereby it will not prejudice our Client's case if he does not submit a Statement of Case by the due date being 6<sup>th</sup> August 2010.

The reason for this is that Chiltern Railway Company Limited has commissioned a detailed feasibility study for an alternative access route serving both our Client's land and that of other third parties and it is apparent that the new feasibility study will not be completed soon enough to enable a response to be sent to our Client in time for our Client to prepare a Statement of Case.

We take this opportunity to enclose a copy of an email dated 16<sup>th</sup> July 2010 (1007hrs) forwarded by Mr P Clarke of Ardent Property Consultants to both ourselves and other parties.

For the time being our Client is therefore relying on his original objection and will defer making any substantive submissions to the Proof of Evidence stage.

Please note that this letter has been copied to Eversheds LLP.

If there are any points arising please do not hesitate to contact Mr C.R.J. Anstey of this office.

Yours faithfully,



**C R J Anstey, Chartered Surveyors**  
info@ruraland.co.uk

Enc.

c.c. Eversheds LLP

Chris Anstey

PLA  
021319

COPY

**From:** Paul Clarke [PaulClarke@ardent-management.com]  
**Sent:** 16 July 2010 10:07  
**To:** 'Berry Morris'; 'Chris Anstey'  
**Cc:** paul@bearder.com; Peter Gibbard; chiltern objections; ERM UK Chiltern Objections  
**Subject:** RE: Chiltern Railways Evergreen 3 Project - Oxford to Bicester. Land at Wendlebury. Our Client - PE Miller

Paul and Chris

I explained to Paul when we met that there was little point in replying to his objection until we had resolved the issue of the alternative route brought up by the landowners. Being bluntly honest, it is taking the Engineers an infuriatingly long time to sort this out! I have obviously raised this with Chiltern and the team and it is being given the highest priority. It is unfortunately the nature of these applications that there is a huge flood of work at this stage in the process. In my experience it is always the same.

In relation to the timescale of this process for this alternative, I have cleared a response with Chiltern, to avoid your client and the other land owners from bearing potentially abortive fees, which applies obviously to Paul as well:

*"As you are aware, Chiltern Railway Company Limited has commissioned a detailed feasibility study for the revised road route proposals discussed at the meeting between land owners, Natural England and CRCL on 2 June 2010. That study includes the preparation of detailed design.*

*It is now apparent that the study, which will provide the basis of CRCL's response to your clients and the other parties who were present at the meeting, will not be completed soon enough to enable the response to be sent to your clients in time to inform your clients Statement of Case which is, of course, due to be submitted on 6 August 2010.*

*I am writing to inform you that, so far as CRCL is concerned, it would not make it a point of prejudice if your clients do not submit a Statement of Case but instead rely on their original objection (or a very short updating statement) and defer making any substantive submissions to the proof of evidence stage.*

*This course of action seems sensible to CRCL. However, I should emphasise that it is, of course, a matter for you to advise your clients as to the most appropriate way of proceeding."*

You mentioned responses to Client's, plural, objections below. I have responded to all others, haven't you received replies?

If either of you would like to meet to discuss your clients issues, please let me know. We want to resolve objections before the inquiry where possible, as we have discussed before. I am actually in a meeting in Banbury at 1.00 today – its very short notice, but if either of you are free before or after that I am quite happy to come to meet you.

Regards,

Paul

cid:1081203105544

**Paul Clarke** | Associate Director**Ardent Property Consultants**

Tel: +44 (0)870 443 9100 | Mobile: +44 (0)7900 052307

PaulClarke@ardent-management.com | [www.ardent-management.com](http://www.ardent-management.com)

16/07/2010

**From:** Chris Anstey (chris@ruraland.co.uk)  
**To:** wjaruralpractice@btinternet.com;  
**Date:** Thursday, 5 August, 2010 13:11:00  
**Cc:**  
**Subject:** FW: Chiltern Railways Evergreen 3 Project - Oxford to Bicester. Land at Wendlebury. Our Client - PE Miller

Will,

Here is a copy of the e-mail that we have just discussed.

Linda will e-mail you a copy of my letter to the Secretary of State (also copied to Eversheds).

Hope this is of help.

Please confirm receipt in case I have your e-mail wrong.

Yours, Chris.

-----Original Message-----

**From:** Paul Clarke [mailto:PaulClarke@ardent-management.com]  
**Sent:** 16 July 2010 10:07  
**To:** 'Berry Morris'; 'Chris Anstey'  
**Cc:** paul@bearder.com; Peter Gibbard; chiltern objections; ERM UK Chiltern Objections  
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Regards,

Paul



**Paul Clarke** | Associate Director  
**Ardent Property Consultants**  
Tel: +44 (0)870 443 9100 | Mobile: +44 (0)7900 052307  
[PaulClarke@ardent-management.com](mailto:PaulClarke@ardent-management.com) | [www.ardent-management.com](http://www.ardent-management.com) |

**From:** Berry Morris [mailto:[psc@berrymorris.co.uk](mailto:psc@berrymorris.co.uk)]  
**Sent:** 16 July 2010 09:26  
**To:** Paul Clarke  
**Cc:** paul@bearder.com; 'Chris Anstey'  
**Subject:** Chiltern Railways Evergreen 3 Project - Oxford to Bicester. Land at Wendlebury. Our Client - PE Miller

Paul

I have recently spoken with Paul Miller concerning the above. As you are aware, Chris Anstey is lead agent in this case and I am effectively a consultant in the background.

As I understand it, you have yet to respond to the objections submitted on behalf of Paul Miller. There was also a site meeting in early June attended by yourself, Paul Miller and Graham Honour.

As time is now pressing, would you please let me have an update. When can we expect a response to client's objections? What are your views/those of Chiltern Railways regarding the bridge over railway/access to severed land following discussions at the site meeting/inspection?

I suspect that if you have not already done so, you will hear in similar terms from Chris Anstey. Either way, it is now becoming urgent that this matter is progressed and proposed solutions to the problems caused by the Scheme discussed in detail.

I shall look forward to hearing from you – either direct or by copy email.

Regards.

**Paul S Curtis**

**PAUL CURTIS BSc MRICS FAAV**

**BERRY MORRIS  
CHARTERED SURVEYORS**

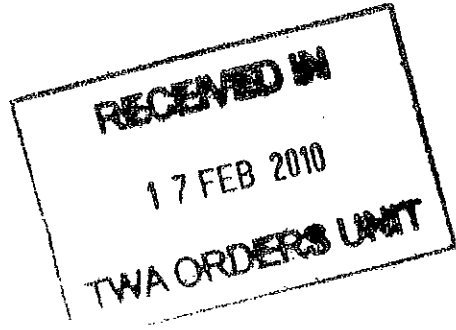
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OX16 9AB**

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Mob: 07831 284447  
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OAKAPPLE FARM, MARSH GIBBON, BICESTER, OXON. OX27 0AL

CRJA/LAL/2595



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

15<sup>th</sup> February 2010

Dear Secretary of State,

**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**

We act for and on behalf of Mr Paul Miller and have been instructed by our Client to submit his attached Objection to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

You will note that the objection makes it clear:-

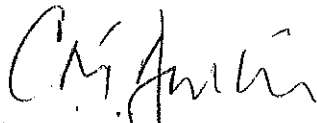
- (a) By whom the objection is made.
- (b) The grounds of the objection and other representations.
- (c) The address to which any future correspondence relating to the objection or other representation should be sent.

We therefore believe that our Client has complied with the appropriate rules under the Transport and Works Act 1992.

Finally, as a result of the attached formal Objection our Client would ask you to hold a Public Local Inquiry in order that his objections can be heard.

If there are any other matters arising please do not hesitate to contact Mr C.R.J. Anstey of this office or otherwise contact our Client at the reply address given on the Objection.

Yours faithfully,



**C R J Anstey, Chartered Surveyors**  
info@ruraland.co.uk

Enc.

c.c. Mr P Miller

# TRANSPORT AND WORKS ACT 1992

## The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

### Objection to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order

#### This objection is submitted in confidence

**Statutory Objector:** Mr Paul Miller

**Reply Address:** Home Farm Cottage  
Church Lane  
Wendlebury  
Oxon  
OX25 2PN

**Status of Statutory Objector:** Freehold owner of affected land  
and/or beneficiary of rights in land.

I own two farms affected by the proposals.

The first farm is Wendlebury Meads, which includes the crossing referred to as Home Farm crossing. This farm is most impacted by the proposals.

Wendlebury Meads was given protection as an SSSI in 1977, but the farm has been under the constant safeguard of Mr Miller's family for at least five generations. The whole site is grade 1 status<sup>1</sup>. According to Natural England "the flora is exceptionally diverse with more than 160 plant species present". The fields are outstanding examples of calcareous clay pasture<sup>2</sup> and the farm is one of the largest such sites of this type left in the UK. It was one of the first sites to be protected by a maintenance agreement with government; significant public funding has been committed to the preservation of this site.

The farm has attracted the interests of researchers, TV (including David Attenborough), and politicians. The House of Commons Environmental Select Committee visited the site in 1998.

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<sup>1</sup> *A Study of Wendlebury Meads, OXON, SSSI, M Scruby 1979*

<sup>2</sup> *SSSI citation [www.sssi.naturalengland.org.uk/citation/citation\\_photo/1001141.pdf](http://www.sssi.naturalengland.org.uk/citation/citation_photo/1001141.pdf)*

The richness of the biodiversity on this site is maintained by adopting farming methods which are dependent on access to the land at Home Farm Crossing.

The second farm – Alchester - is the site of the first Roman military camp to reach the Midlands, dating from AD43 or 44 shortly after the invasion of Britain. It is a site of significant archaeological importance. The military fort on this site housed the legion led by Vespasian shortly before he became Emperor of the Roman Empire<sup>3</sup>. Wooden artefacts discovered on the site are the earliest to have been found in Britain; they have been well preserved as a consequence of the high water levels. Alchester is adjacent to Wendlebury Holt crossing and the proposed Elm Tree Farm Bridge and access road.

**I hereby OBJECT to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order for the following reasons:**

1. Non-adherence to government guidelines on consultations<sup>4</sup> and insufficient consultation by Chiltern Railways and its Agents.

Including:

only 5 weeks have been given to consider the enormous volume of documents comprising the application compared to the 12 weeks minimum set out by government.

Chiltern Railways has not provided feedback on previous proposals for Home Farm Crossing,<sup>5</sup> in accordance with Government consultation standards;

There is no impact assessment comparing the proposal to close Home Farm crossing with alternatives for providing access to the SSSI, and in particular there is no consideration of the option to provide access via the proposed bridge at Holt Farm.

The impact of closing this crossing and so restricting access to the SSSI is entirely missing from the Environment Impact Assessment

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<sup>3</sup> *Inscriptions from Alchester: Vespasian's Base of the Second Augustan Legion(?)*, Sauer, 2005,

<sup>4</sup> <http://www.berr.gov.uk/files/file47158.pdf>

<sup>5</sup> *The three proposals were set out in a letter dated 3 July, 2009.*

2.

The lack of any detailed information provided by Chiltern Railways or its Agents concerning specifications of works; rights to be granted or acquired; accommodation works; methods of construction; timing; consequential effects of its proposals on the viability of maintenance of the SSSI.

My concerns include the lack of clarity as to whether Chiltern Railways intend to provide access to the neighbouring farm over the SSSI. If this is the case I will object as it will result in a loss of privacy; potential disturbance and a loss of capital value to my land.

Further, where detail is provided it is contradictory; there are errors. For example, the plans show an intent to acquire or use a strip of Wendlebury Meads SSSI, yet this is missing from the environmental assessment of the impact of the proposals on SSSIs.

The information provided in the consultation documents appear to be wholly insufficient for me to offer considered and complete consideration. This is a standard set for consultations by the High Court in 2007.<sup>6</sup>

3.

The proposed closure of the crossing Ref: DP No. 11004 known as Home Farm Crossing, which is used on a daily basis to maintain the SSSI and is the only access to the SSSI and to farm buildings during wet winter months.

4.

In the event of the proposed closure of the aforementioned crossing the failure by Chiltern Railways to provide a vehicular bridge in close proximity to the existing crossing point.

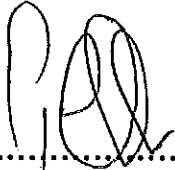
5. The proposals put forward by Chiltern Railways that fail to adequately link the two parcels of the SSSI that currently lie adjoining the Home Farm crossing and respectively lie to the west and to the east of the Oxford to Bicester railway line.
6. The draft Order proposal whereby access to the 128 acres of my land lying to the east of the Bicester to Oxford railway line will now have to be solely via Mansmoor Lane, the final stretch of which is impassable during wet winter months.
7. The draft Order proposals which will result in a totally impractical access to my eastern parcel of SSSI (128 acres or thereabouts) in terms of time and cost given the very considerable extra distances Chiltern Railways propose that I will need to travel to access the severed land following the closure of the Home Farm rail crossing.
8. Chiltern Railways failure to provide a viable alternative access to my eastern parcel of land (128 acres or thereabouts) as a result of which the future maintenance of the SSSI and primary subsidy income will now be in jeopardy, thereby risking the future sustainability of my whole farming business.
9. The failure by Chiltern Railways to provide any detail regarding the possible relocation of a farm building(s) used to overwinter cattle, and so protect the SSSI during the wettest months, from my land lying to the west of the Oxford to Bicester railway line on to land lying to the east of the aforementioned railway line.

10. Chiltern Railways failure to take into account the poor drainage and topography on land lying to the east of the Oxford to Bicester railway line over which maybe now intended to provide the sole access not only to my 128 acres lying to the east of the railway line but also for Mr M Howard who has land lying to the east of my holding. Use of this access during the winter months would result in significant damage to the SSSI.
11. Any requirement for me to grant third party rights of way over any part of my land which may result in a loss of privacy; disturbance and a loss of capital value to my land.

**I am happy to seek to resolve my objections with Chiltern Railways prior to the Public Inquiry but in the event that any items of objection remain outstanding I will want to place such items before the Public Inquiry.**

**I reserve the right to amend and add to my objections given the current lack of information provided by Chiltern Railways and the possibility that further objections may be necessary as more detail becomes available.**

**I also reserve the right to claim all costs incurred by myself and my professional advisers in objecting to the Chiltern Railways' Proposals.**

Signed.....

Dated...16-2-10.....

**Mr Paul Miller**