

From: John Keyes [mailto:johnkeyes@mail.com]
Sent: 06 August 2010 15:23
To: Rolfe, Victoria
Subject: RE: Chiltern Railways (Bicester to Oxford Improvements) Order - Statement of Case

Dear Victoria Rolfe

Through the intermediary of an agent Chiltern have generally assured me that they would resolve the grounds for our principal objection to their scheme, on the grounds of noise vibration and intrusion of privacy resulting from the exceedingly close proximity of the proposed new line to our residence.

I regret to say, that no further news of any noise mitigation designs, nor any pro forma drafts of legal undertakings to install same, have been received by us from Chiltern as of today, and the agent is away on holiday till the 10th.

Accordingly I am submitting my original letter by way of my Statement of Case.

Chiltern have dealt with some of our concerns over diesel fume pollution as a separate matter, with our local Jericho Community Association, of which I am a committee member. However the issue over trains passing our homes at point blank range has not been dealt with yet.

Best Regards

John Keyes
Walton Bridge Moorings Ltd.
07970958033

From: Rolfe, Victoria [mailto:VictoriaRolfe@eversheds.com]
Sent: 28 July 2010 14:25
To: Rolfe, Victoria
Subject: Chiltern Railways (Bicester to Oxford Improvements) Order - Statement of Case

Dear Objector/Adviser

As an objector to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order we understand that you have indicated to the Secretary of State that you wish to present evidence at the forthcoming Public Inquiry beginning on 2 November 2010.

As you are aware, Statements of Case must be submitted to the Secretary of State on or before 6 August. We should be grateful if you would please let us know by **12 o'clock on 2 August** whether you would like us to send you a copy of the Chiltern Railways Statement of Case by email or by post. If we do not hear from you we will forward a copy to you by first class post.

Best regards

Victoria Rolfe

Legal Secretary

Tel 0845 497 4899

International +44 20 7497 9797

www.eversheds.com

Please consider the environment before printing this e-mail

***** This e-mail is sent for and on behalf of Eversheds LLP

Innovation in Client Service 2009-10 - *Financial Times Innovative Lawyers Awards*

Law Firm of the Year 2008-09 - *The British Legal Awards*

Equality & Diversity, CSR Award 2008-09- *The Law Society Awards*

This e-mail is sent for and on behalf of Eversheds LLP which is a limited liability partnership, registered in England and Wales, registered number OC304065. Registered office One Wood Street, London, EC2V 7WS. Registered VAT number GB820704559. A list of the members' names and their professional qualifications is available for inspection at the above office. Regulated by the Solicitors Regulation Authority (see www.sra.org.uk/solicitors/code-of-conduct.page). Confidentiality: This e-mail and its attachments are intended for the above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this e-mail and highlight the error.

*****[www.eversheds.com]



Walton Bridge Moorings
Walton Well Road
Oxford OX2 6ED

johnkeyes@mail.com
07970 958 033

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

15th February 2010

Dear Sir or Madam,

Re: Chiltern Railways Evergreen3 Proposal - Oxford to Bicester Section

In principle we are in favour of improvements to the railway network, because of the environmental benefits they can bring, and transport franchises which have an emphasis on proper investment in the infrastructure seem to be following a winning business model.

1.) Noise and vibration

However, **we object to this proposal** on the grounds of noise, vibration, air pollution and privacy issues that have not yet been satisfactorily addressed by Chiltern. This is despite our having started enquiring about possible mitigation measures to tackle this problem from June last year onwards. Possible solutions are put forward later on in this letter.

Walton Bridge Moorings possesses a 15 year agreement with Oxford City Council who have granted Planning Permission for residential houseboat moorings at this location. This is our home, and a “dwelling” for the purposes of **The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996**.

Our boats are moored on the north side of the Castle Mill Stream along 30M of the available bank that extends eastwards from immediately beside the edge of the railway bridge, that carries the mark “30006” on the plan at p.52 of “10 – Order Plans and Sections”. The edge of this bridge forms part of the site boundary, and our own front door is 4M away from there.

Living as we do beside a railway line and near to a station, we quite naturally expect to hear and feel vibration from the trains that use the four existing tracks, which lie at distances away from our boundary of 31.70M, 28.5M, 24.70M, with the nearest at 20M.

These four existing railway lines run over a broad timber based bridge to the west, which is physically quite separate from the iron bridge beside which our boats/homes are moored. The latter has not had trains travelling along it for decades, and currently serves as a bridge carrying a service track for road vehicles. Accordingly, at the moment noise and disturbance levels are fairly tolerable.

However in June '09 we learned from Chiltern that "In answer to your query on dual tracking, with the likely exception of Wolvercote tunnel -which is proposed to remain single tracked- we will be reinstating a **dual track all the way from Oxford to Bicester**, and then in August 09, that "the separate bridge currently used as an access road has proven to be the only viable route for our proposed service to enter the station at Oxford."

One or more new railway lines on the bridge immediately adjacent to our moorings, will certainly lead to a very significant increase in noise, vibration, and diesel exhaust fumes in the place where we live. With trains passing at such close range, there is also the issue of overlooking, hence our additional concerns about invasion of privacy. Currently we are shielded from the main line by the bridge in question.

The limited size of the moorings means that the boats cannot simply be moved away to the William Lucy Way end, although some temporary rearrangement will undoubtedly be called for in the event that Chiltern carry out any major refurbishments to the iron bridge.

A layman's rough approximation for the increase in noise intensity and vibration, say between a source at a range of 20M and one at 5M, arrived at via the inverse square law, is a factor of 25X greater levels of sound energy.

Analysis by means of more sophisticated formulations for "The Calculation of Railway Noise" (CRN) will undoubtedly arrive at a figure many decibels above accepted limits, but this exercise does not appear to have been carried out for the "receptor" that is Walton Bridge Moorings, despite Chiltern having noted that, **(Statement of Consultation under Rule 10(2)(d) p.8)** "4.15 However, some respondents had particular concerns about the Scheme, which included: ... Boat owners at Castle Mill Stream in Oxford, concerned about noise and use of the rail bridge near to their moorings.",

For guidance, there are two locations in our immediate vicinity, at William Lucy Way (19) and Merrivale Square (18), which are both much further away from the tracks than we are, but which have been identified by ERM as being susceptible to 1dB 'slight residual' and 8dB 'substantial impacts' respectively.

Chiltern should now turn their attention to assessing the noise impacts of their proposed line, upon what are possibly the closest residences adjacent to it, so that between us we can establish the best way to mitigate them.

Mitigation

In the Statement of Consultation referred to above, Chiltern state that “All concerns were responded to an individual basis where adequate contact details were provided, addressing the individuals concern or query directly.” Whilst we have not yet received any firm expression of intent from Chiltern to physically address the cause of our concerns about greatly elevated noise levels, we have been advised by ERM last August of the following possible measures that might be taken:

“These will include the application of tuned rail dampers (where a composite material is attached to the side, or web, or the rails to reduce the amount of sound that is emitted by reducing rail vibration at key frequencies) **and line side noise barriers or fences**. The *edge of the bridge in question may also offer additional noise protection* (ie the increase may prove less than approximated above) and further sound reducing mechanisms will be considered as part of any improvement works that may be required on it.

It is appreciated that the matter of delivering noise mitigation to a dwelling that is a group of houseboats, might be an unfamiliar locus for Chiltern and their environmental consultants, demanding some innovative design. Furthermore we do realise that such a shattering increase in noise energy probably cannot be entirely mitigated down to the levels that we have become accustomed to.

Certainly the “*edge of the bridge in question*”, being no more than a length of 32mm diameter steel pipe, will not “*offer additional noise protection*”

The proposed new lines as presently conceived can be classed as “busy”. In addition to this (Consultation Report 3.4) “The railway between Bicester and Oxford would also be used by the proposed East West Rail link”, which will lead to even denser railway traffic and yet more noise.

There are of course general measures that Chiltern would apply along the whole length of the proposed scheme, such as continuously welded line, proper maintenance, and laying the track on ballast, all of which might be considered to be normal modern practice.

Then there are site-specific remedies, and the best of these in our situation will probably be a line side noise barrier running the length of the iron bridge to deflect noise and afford some privacy from overlooking, and possibly the use of double glazing on the boats as well.

To be effective, such a barrier will have to be of sufficient size that it will probably block a great deal of our light from the southwest, so in order to achieve the best compromise and compensation one might borrow LB Camden’s idea of installing an array of solar panels on the sunny side.

This would accomplish two valuable objectives in one go, and would send out a positive environmental message about Evergreen3 to their customers every time they travelled north on this line. We look forward to working out a solution with Chiltern.

2.) Air pollution

The undersigned has lived in Jericho on the canal and river for the last seven years, and concurs entirely with the Jericho Community Association's complaint concerning the unnecessary running of train diesel engines in this neighbourhood.

In the document (15b - Environmental Statement Vol 2.) at p.6-15) "It may be noted that noise levels at William Lucy Way (Receptor 19) do not decrease during the night time. The presence of stationary, idling trains at sidings nearby were noted during attended surveys on two nights at this location" As mentioned above William Lucy Way is our nearest neighbouring property.

It is perfectly understandable that a train's engines might allowed to tick over for short periods of time for operational reasons, but what remains incomprehensible, especially in these times of carbon economy and environmental damage limitation, is the way that empty unattended trains can be left running, literally for hours on end, for no obvious purpose.

The effect of this, is that the prevailing wind carries a heavy load of diesel fumes and relentless noise right across Jericho, during the day and at night.

There have been attempts made in the past to establish a rationale for this behaviour, and urgent requests of the railway companies to cease the practice. Unfortunately neither action has been successful.

Given that Chiltern's proposal, if granted, will greatly increase the amount of railway traffic using Oxford Station and the sidings, we would like to take this opportunity to request that they thoroughly review this significant area of undesirable impact, and given that they are not the only railway company implicated, to set everyone else a good example of improved practice.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'J Keyes', written in a cursive style.

John Keyes
Director
Walton Bridge Moorings Ltd