

**PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)
ORDER**

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

IN RELATION TO THE OBJECTION AND EVIDENCE OF

MERRY ADAMS

1 Introduction

- 1.1 This rebuttal proof of evidence has been prepared on behalf of the Chiltern Railway Company Limited (Chiltern Railways) to respond to particular aspects of the objection and evidence of Merry Adams.
- 1.2 Merry Adams has not raised any additional points since her original letter of objection dated 8 February 2010. Chiltern Railways has previously addressed the points in the objection letter in its response to that letter.
- 1.3 It is not intended that this rebuttal proof should repeat material that the witnesses for Chiltern Railways have already covered in their evidence. Cross-references to relevant paragraphs of those witnesses' proofs of evidence are given below, where appropriate.
- 1.4 It is intended that this rebuttal proof should be a composite response by Chiltern Railways to those new points raised in the evidence of Merry Adams and referred to above. The name of the Chiltern Railways witness who is responsible for each aspect of this rebuttal proof is given at the beginning of each section below.

2 Defined Terms

- 2.1 The following defined terms are referred to throughout this rebuttal proof:

"the Correspondence" means correspondence in the form of letters exchanged between Chiltern Railways and Merry Adams dated 8 February 2010, 4 May 2010, 16 July 2010, 18 October 2010 and 19 October 2010, appended to this rebuttal proof in Appendix A;

"the Objector" means Merry Adams;

<i>“the Objector’s evidence”</i>	means the objection letter of Merry Adams;
<i>“the Order application”</i>	means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010; and
<i>“the proposed Order”</i>	means the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

3 Chiltern Railways’ Rebuttal of the Objector’s Evidence

Context

- 3.1 The Objector lives at Curtesy House, Mill Lane, Islip. The Objector is primarily concerned with the design of the proposed Mill Lane Bridge, Islip (Work No.16). The Objector supports the closure of the Mill Lane level crossing on safety grounds.

Proposed Design of the Mill Lane Bridge, Stephen Barker

- 3.2 The Objector states that the proposed design involving approach ramps and parapets at 1.5 metres high is inappropriate for a rural village location.
- 3.3 Any pedestrian bridge has to meet the various safety, engineering and legal requirements that apply to such structures. In particular, Chiltern Railways is bound by the Disability Discrimination Act (DDA). This requires that any new pedestrian bridge should be accessible by wheelchair users, and thus have step-free access, that is ramps rather than steps. The DDA regulations apply whether or not there is any evidence of a route being used by wheelchairs, whilst the benefits also apply to those with buggies and prams, the elderly and others for whom steps would be a problem.
- 3.4 Whilst exceptions are occasionally made such as on footpaths through fields which cannot be traversed in a wheelchair this is clearly not the case in Islip, as Mill Lane is metalled throughout. A bridge at this location therefore has to be DDA-compliant, and it is very unlikely that a smaller structure approached only by steps would be allowed.

Need for an Equestrian Bridge, Ian Gilder

- 3.5 The Objector questions whether a simple footbridge would not be less obtrusive and less costly. The Objector states that she has lived in Mill Street for seventeen years and equestrians rarely ride along Mill Street and sees no likelihood of this activity increasing, bearing in mind that any horse close to the bridge might be frightened by approaching trains. The Objector sees no reason why the bridge is classified for equestrian use.
- 3.6 The fact that the proposed bridge would also be usable by horse riders is somewhat irrelevant; given that ramps are required in any event, only minor alterations such as

slightly higher parapets are required for equestrian use. Whilst Chiltern Railways was asked by equestrian interests and Oxfordshire County Council to make provision for riders this did not influence the overall location, scale or design of the structure. The desired maximum for gradient for approach ramps, as set out in national design standards, is 1 in 20. As a bridge over the railway requires a minimum vertical clearance of around six metres (5.5 metres above rail level, plus the depth of the track and ballast), this implies ramps of around 120 metres length on both sides of the line. However, the actual length will be longer than this as the standards require a level 'landing' two metres long for every 2.5 metres of vertical rise, and also require that any corners or turn-back areas are on the level. Whilst a steeper ramp gradient may be acceptable in certain circumstances, this is to a great extent offset by the need to then have a landing for every 650 mm vertical rise.

Visual Impact of the Mill Lane Bridge, Ian Gilder

- 3.7 The Objector states that the proposed bridge will cut through two agricultural fields, will encroach on the privacy of a number of houses within the vicinity and will involve Chiltern Railways in unnecessary expenditure. The Objector is seeking a crossing solution that is as visually acceptable as is possible.
- 3.8 The total area of the embankment and bridge would cover approximately 11% of the open field area and has been aligned in a way that there is less visual intrusion for receptors in the surrounding area. The photomontages produced from viewpoint locations on Mill Lane and Mill Street clearly suggest that the bridge would not dominate in the skyline. These are Photomontage 1: Viewpoint 3 of TWA Application and Photomontage 2: Viewpoint 4 of TWA Application which were included in the Mill Lane Level Crossing Replacement Alternatives Report in Appendix IMG 19 of Ian Gilder's evidence [CRCL/P/12/B] and are included as Appendix B to this rebuttal. The proposed bridge does not cut the skyline and, as seen in the photomontages, the bridge is in line with the existing hedgerows and vegetation along the railway corridor and does not dominate as a feature in the rural skyline. Moreover with mitigation measures and the recommendations of landscape strategy in place the presence of the bridge within the landscape will be significantly reduced.

Need for Further Public Consultation, Ian Gilder

- 3.9 The Objector suggests, at the time of her objection in February 2010, that more time be allocated to measure the opinions of Islip residents before any final decisions are made regarding this construction.
- 3.10 Chiltern Railways has been in consultation with local residents, Islip Parish Council and other relevant stakeholders before the TWA Application was submitted and have continued consultation following the submission. This includes two meetings held by Chiltern Railways 22 July 2010 and 6 September 2010. Subsequent to this, Chiltern Railways has produced the Islip Mill Lane Level Crossing Replacement Alternatives Report [Appendix IMG 19 of Ian Gilder's evidence [CRCL/P/12/B] which brought together the alternative design solutions for Mill Lane which have been explored through consultation with stakeholders. Therefore, it is considered that the consultation Chiltern Railways has conducted, both prior and following the submission of the TWA Application, is adequate to make a measured decision.

4 Conclusion

- 4.1 This rebuttal responds comprehensively to the evidence presented by the Objector. The Objector is primarily concerned with the design of the proposed Mill Lane Bridge, Islip (Work No.16). This rebuttal has set out the need for the equestrian bridge, the visual impact of the bridge and confirmed the adequacy of public consultation.

Appendix A

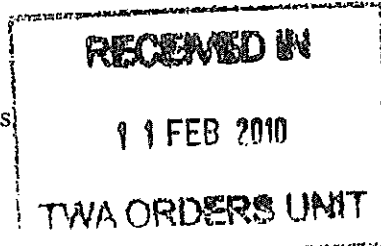
CRCL/R/OBJ90

Relevant Correspondence
between Chiltern Railways
and the Objector

OBJ/90

Curtesy House, Mill Street, Islip, Oxford OX5 2SY
Telephone: 01865 842793

The Chairman and Councillors
Islip Parish Council
Islip
Oxfordshire



8 February, 2010

Dear Parish Councillors,

Re: **Chiltern Railways Bicester to Oxford Improvements Order**
Proposed Islip crossing bridge, Work No. 16

Having attended the meeting held on 2 February to discuss the proposed closure of Islip rail crossing in relation to the above scheme, I write to express my concern since seeing plans of the pedestrian/equestrian bridge to be erected.

I consider that the proposed construction involving approach ramps and parapets at 1.5 metres high, is entirely inappropriate for a country village location. It will cut through two fields of agricultural land, will encroach on the privacy of a number of houses within the vicinity, and will involve Chiltern Railways in vast unnecessary expenditure. Surely a simple footbridge would be less obtrusive and less costly?

I have resided in Mill Street for seventeen years and see no good reason for the bridge under discussion to be classified for equestrian use. Rarely do equestrians ride along Mill Street, and I see no likelihood of this number increasing, bearing in mind that any horse near the bridge might well spook at the oncoming speed of approaching trains.

Along with the vast majority of residents attending the meeting I voted unequivocally for the level crossing to be closed permanently in the interests of safety. Although not wholly convinced that a circular walk round Islip is essential (bearing in mind that negotiating Kidlington Road and its heavy traffic can be hazardous), I would enter a plea that any bridge allowing access across the line to Mill Lane be as aesthetically acceptable as possible.

I would also suggest that more time is allocated to gauge the opinions of Islip residents before any final decisions are made regarding this construction.

Yours faithfully,

Merry P. Adams (Mrs)

Copies to Chiltern Railways Consultation Team
Secretary of State for Transport, London ✓

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Islip
Oxford
OX5 2SY

Direct lines
Telephone 020 3206 5340
Email
charlene.baker@erm.com

4 May 2010
Ref: 0110147/OBJ/90

Dear Mrs Adams

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

Thank you for your email dated the 8th February 2010 submitted to the Department for Transport which objects to the Order application.

Your objection relates to the design of the pedestrian/equestrian bridge to be erected in Islip.

Any pedestrian bridge has to meet the various safety, engineering and legal requirements that apply to such structures. In particular, we are bound by the Disability Discrimination Act (DDA). This requires that any new pedestrian bridge should be accessible by wheelchair users, and thus have "level access" – e.g. ramps - rather than steps. Moreover the DDA regulations apply whether or not there is any evidence of a route being used by wheelchairs, whilst the benefits also apply to those with buggies and prams, the elderly and others for whom steps would be a problem.

Whilst exceptions are occasionally made (e.g. on footpaths through fields which cannot be traversed in a wheelchair) this is clearly not the case in Islip, as Mill Lane is metalled throughout. A footbridge at this location therefore has to be DDA-compliant, and it is very unlikely that a smaller structure approached only by steps would be allowed. The fact that the proposed bridge would also be usable by horse riders is largely irrelevant; given that ramps are required in any event, only minor alterations such as slightly-higher parapets are required for equestrian use. Whilst we were asked by equestrian interests to make provision for riders this did not influence the overall location, scale or design of the structure.

The desired maximum for gradient for approach ramps, as set out in national design standards, is 1 in 20. As a bridge over the railway requires a minimum vertical clearance of ca. 6 metres (5.5 metres above rail level, plus the depth of the track and ballast), this implies ramps of around 120 metres length on both sides of the line. However, the actual length will be longer than this as the standards require a level "landing" 2 metres long for every 2.5 metres of vertical rise, and also require that any corners or turn-back areas are on the level. Whilst a steeper ramp gradient may be acceptable in certain

circumstances, this is to a great extent offset by the need to then have a landing for every 650mm vertical rise.

The footbridge and approach ramps will thus be a sizeable structure, wherever it might be located, and whether or not used by horse riders.

Chiltern Railways are continuing to explore the design solution at Islip and you will be kept updated if any amendments are proposed.

Yours sincerely

Charlene Baker
Consultant
ERM

on behalf of the Chiltern Railway Company Ltd

Our Ref: PC/P18/EG3/001
Your Ref:

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management.com

16th July 2010

Dear Merry Adams,

Chiltern Evergreen 3 – Islip Bridge

I am working with Chiltern Railways, assisting with the Order application for the above scheme.

Chiltern has received a number of objections to its Order application as a result of the perceived visual intrusion that may be caused by the bridge to replace Islip Railway Crossing. Many people feel that it should be located on the other side of Mill Lane or along the length of Mill Lane, as it is thought that this will reduce that expected intrusion.

To address these concerns, Chiltern has carried out design work for an alternative bridge on the western side of Mill Lane and has examined the footprint of a potential bridge on the alignment of the current the road. So that a fair comparison of the options can be made by those concerned, Chiltern has also commissioned photomontages of the bridges in the west and east locations.

Chiltern would like to share this information with those who have concerns, so that local views can be gained. From the results of this, a decision will be taken to either continue with the currently proposed location, or to adopt one of the other alternatives.

To assist this process, we will be holding a meeting at the **Village Hall in Islip at 7.00pm on Thursday 22nd July** for those who have expressed concerns. At this meeting we will

have large scale copies of the bridge designs and photomontages and we will be available to answer questions. At the end we would like to record the views of those attending.

As you have expressed concern about the bridge, we would like you to attend, if possible, so that we can hear your views.

I must stress that the meeting is to deal only with the bridge and not other objection issues, so that we can leave with everyone's views. However, my colleagues and I will be available for further discussion after we have dealt with this issue.

I am not expecting to receive the final work until Wednesday next week, so I can't offer to post advance copies. However, if you have an email account and would like an advance copy, please send me your email address.

I look forward to meeting you.

Yours Sincerely,

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

Paul Clarke
Associate director

18 October 2010

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Your ref: OBJ/90

Dear Merry P Adams

Proposed Chiltern Railways (Bicester to Oxford Improvements) TWA Order

I write to you as an objector to the Chiltern Railways TWA Order. Specifically, you have raised concern about the effect of noise and/or vibration of the proposed Scheme and its impact on your property.

Chiltern Railways is committed to using the Best Practicable Means to design the railway so as to avoid significant noise and vibration impacts. Enclosed is the *Chiltern Railways (Bicester to Oxford Improvements) TWA Order Draft Noise and Vibration Mitigation Policy (October 2010)*, which sets out Chiltern Railways' commitment to control noise and vibration impacts in detail. This document will be finalised following consideration of improvements that are identified during the Inquiry.

The assessment of operational noise in the ES formed a worst-case view of the likely noise impacts, which was a satisfactory approach for the ES. However, the design of the Scheme has progressed as contemplated in the ES, so that lesser, or equivalent, impacts will result, and the likely mitigation has been refined to take account the current information and the views of stakeholders who have been consulted since the ES was published. That approach is integral to the Environmental Impact Assessment (EIA) process. This work is ongoing, and we intend to write to you in the near future to confirm the likely noise impacts at your property.

We hope that this policy, which will be legally enforced by planning condition, will satisfy your concerns regarding noise and vibration, and that you will be able to remove your objection to the Scheme.

Yours sincerely,

Ian Gilder

Ian Gilder
Head of Planning

For and on behalf of the Chiltern Railway Company Ltd

OBJ/90

19 October 2010

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Your ref: OBJ/90

Dear Merry Adams

Proposed Chiltern Railways (Bicester to Oxford Improvements) TWA Order

I am writing to you, following the public meeting held in Islip on 6 September, regarding your objection to the proposals in the above Order for the bridge at Mill Lane, Islip.

This letter sets out Chiltern Railways' position regarding the design of the proposed foot and equestrian bridge at Mill Lane.

At the meeting held on 6 September in Islip Village Hall, Chiltern Railways presented a report, plans and photographs, outlining the alternatives considered to replace the level crossing at Mill Lane and concluding that the Eastern Bridge remains the best option.

Following the meeting, the report has been slightly amended to reflect the views expressed and information received at that meeting. This report has been published as Appendix IMG 19 of Ian Gilder's Proof of Evidence and is available to view at <http://www.chiltern-evergreen3.co.uk/index.php/chiltern-railways-documents>. If you require a printed copy please let me know.

The report's conclusions (which were explained at the meeting) are set out below:

"Residents confirmed CRCL's view that, were a subway to be promoted, the more rural Subway 2 Significant Land Take was preferable.

Visually, Subway 2 would have a significant impact on Kareol. By comparison the Eastern Bridge will have a moderate impact on views from the upper floor of The Grange until planting obscures. Therefore in terms of visual amenity the Eastern Bridge is considered preferable. In addition Subway 2 would require removal of hedges along Mill Lane, whilst the Eastern Bridge will allow the retention of Mill Lane as a hedged country lane. Both have short term landscape impacts which could be mitigated as planting grows up.

Whilst the land take for the Eastern Bridge is greater, Subway 2 is a more urban structure than the Eastern Bridge which will have planted approach ramps. Subway 2 would require pumped drainage, which is costly to maintain and liable to failure, and Subway 2 is slightly more expensive than the Eastern Bridge to construct and maintain.

CRCL has concluded that the Eastern Bridge remains the best solution and will continue to promote it as part of the TWA Order application”.

It is acknowledged that the Eastern Bridge is not the solution preferred by all residents, as demonstrated by the various views expressed at the public meetings. The report is intended to be a balanced review of the Eastern Bridge and the alternatives previously considered by Chiltern Railways. The conclusions form the basis of the evidence that Chiltern Railways will present to the Inquiry. While you may still disagree with the conclusions, Chiltern Railways hope you will accept that it is a correct presentation of the facts about the Eastern Bridge and the alternatives considered.

Chiltern Railways very much hopes that, having seen the report in its final form, you may feel that you no longer wish to maintain your opposition to the Eastern Bridge. If that is the case, please write to the Secretary of State, through the Transport and Works Act Orders Unit, whose details are below, withdrawing your objection.

Please let me know if you have any queries.

Yours sincerely,

Charlene Baker
Consultant

For and on behalf of the Chiltern Railway Company Ltd

Department for Transport
Transport and Works Act Orders Unit
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76 Marsham Street
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