

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

**CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE**

**IN RELATION TO  
THE OBJECTION AND EVIDENCE OF  
MR & MRS CONIBEAR**

**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 Mr and Mrs Conibear.
- 1.2 In particular, Mr and Mrs Conibear have raised new points in their proof of evidence provided for the inquiry that Chiltern Railways had not previously addressed in the proofs of evidence prepared by their witnesses, which were submitted to the Inspector and to certain objectors on 1 October 2010.
- 1.3 It is not intended that this rebuttal proof should repeat material that witnesses for Chiltern Railways has 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 Mr and Mrs Conibear and referred to above. In this respect, for cross-examination purposes, 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 and emails exchanged between Chiltern Railways and Mr and Mrs Conibear dated 11 February

2010, 12 April 2010, 13 April 2010, 19 April 2010, 22 April 2010, 26 April 2010, 1 June 2010, 16 July 2010, 22 September 2010, 20 October 2010 and 3 November 2010 attached as Appendix A to this rebuttal;

<i>“the Objectors”</i>	means Mr and Mrs Conibear;
<i>“the Objectors’ evidence”</i>	means the proof of evidence of Mr and Mrs Conibear;
<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 Railway’s Rebuttal of the Objector’s Evidence**

#### *Context*

- 3.1 The Objectors live at The Grange on Mill Street, Islip between 20 to 30 metres from the railway line. The Objectors note that they support all the arguments presented in the Islip Parish Council evidence [**OBJ 294**].

#### *Visual Impact, Ian Gilder*

- 3.2 The Objectors are concerned that the proposed Mill Lane bridge would overlook much of their garden which they state would change *‘the aspect from green belt conservation area’* to an *‘intrusive and unnatural banking’*. The Objectors append a photomontage of the new Mill Lane bridge without mitigation and cite correspondence from CRCL on the level of negative impact of the structure. The Objectors quote from the Environmental Statement, Volume 4, Annex A-L, [**CD1/1.18**] which states that ramps for the Mill Lane bridge would have considerable visual impact.
- 3.3 The proposed Mill Lane bridge and embankments will not be visible from the ground floor rooms or the garden/private areas of The Grange, since they will be obscured by the existing hedge along the boundary of the garden (as shown in Drawing ERM.PM.03 in Appendix B to this rebuttal). The only view of the proposed bridge will be available from the first floor level. However, to be able to see the bridge one would have to lean out from the balcony of a bedroom. A photomontage was produced to illustrate the visual impact from this location and supplied to the Objectors in August 2010. (Drawing ERM.PM.E01 in Appendix B). An additional photomontage was produced to illustrate views after the mitigation measures/planting has established (Drawing ERM.PM.E02 in Appendix B). The photomontage is based on the Landscape Strategy for the Mill Lane bridge (Figure IMG 4.4 in Appendix IMG4 in **CRCL/P/12/B**).The requirement to provide this landscaping is set out in Planning Condition 5.2 (e).

*Overlooking and Invasion of Privacy, Ian Gilder*

- 3.4 The Objectors state their concern that, subject to final positioning of the bridge and barriers erected, there could be a view from the bridge approaches directly into the bedrooms and bathrooms at the back of their property. They Objectors note that the photomontage appended to their evidence shows only a post and rail fence in this area. The Objectors are seeking clarification on the planting scheme as part of the landscape mitigation strategy. They state the planting scheme will take ten years to restrict views into their property and then only in the summer, depending on the type of planting.
- 3.5 The layout of The Grange is designed and orientated so way that it enjoys private views to the north, northeast, northwest and southeast. However, the southwest facade of the Grange is aligned close to the property boundary which has tall hedgerow and vegetation planted along the line of boundary. The existing hedgerow and vegetation has been planted and maintained to screen the property and provide privacy to the house (refer Drawing ERM.PM.E03 in Appendix B). There are few windows on the southwest facade and the views to and from these windows are limited and largely screened due to the existing hedge (Drawing ERM.P.OBJ91 in Appendix B). It is, therefore, unlikely that there would be direct views into those windows from the proposed bridge once the mitigation planting is established. There could be scope to provide a screen fence along the top of the approach ramp to ensure that there is no overlooking of The Grange from the bridge, while the mitigation planting is growing up.

*Light Pollution, Ian Gilder*

- 3.6 The Objectors are concerned that while Chiltern Railways has agreed that light pollution in a rural area is a very valid concern they have stated that Cherwell District Council would be likely to insist on lighting the bridge. The Objectors state that Chiltern Railways has declined to agree a draft specification for lighting with Cherwell District Council. The Objectors are concerned that lighting could '*fall directly into one of the main bedrooms*' and would be '*highly visible*' from the whole of the back of their house and garden.
- 3.7 Chiltern Railways has taken a consistent position in relation to lighting, both for the proposed bridge and for any alternative subway. Any subway or underbridge would need to be lit, for safety reasons. There is no reason why the proposed bridge and approach paths will need to be lit, since they are joined to Mill Lane, which is rural and unlit.
- 3.8 The County Council, who will become responsible for the footpath across the bridge, once completed, has been consulted about lighting and Officers have indicated that they share Chiltern Railways' view. However, Chiltern Railways cannot guarantee that the County Council will not, possibly in response to local representations, decide to install lighting on the bridge at some future date. Chiltern Railways is prepared to give an undertaking to the Objectors that it will not provide lighting to the bridge, unless required to do so, either by the local planning authority or Oxfordshire County Council, as the highway authority.

*Antisocial Behaviour, Ian Gilder*

- 3.9 The Objectors state that the bridge is designed with a long span of parapet which is concealed from view at both ends. The Objectors are concerned that these areas could be used *'for a range of behaviours not suited to the area'* including skateboarding and other noisy antisocial activities.
- 3.10 It is highly seems that antisocial behaviour will occur in this rural environment, and the bridge will not attract such behaviour.

*Public Consultation, Ian Gilder*

- 3.11 The Objectors state that they first met Chiltern Railways' representatives in March 2010 at an open meeting in Wolvercote and at that time the preferred option was a western bridge. The Objectors were then informed in April 2010 that work was being undertaken to minimise impact and consider alternative designs. The Objectors state that at a public meeting in Islip, in July 2010 they were shown designs and photomontages of bridge options to the west and east of Mill Lane showing all views except those directly affecting them. The Objectors state there was a 90% vote against this bridge by show of hands at the meeting and a similar vote at a later public meeting in August 2010 where the photomontages were shown. The Objectors state that Chiltern Railways had already applied for consent before they were shown the impact on their property. The Objectors state that it was not until August 2010 that they received a photomontage showing the impacts.
- 3.12 Chiltern Railways has produced the Islip Mill Lane Level Crossing Replacement Alternatives Report [Appendix IMG19 in **CRCL/P/12/B**] which brought together the alternative design solutions for Mill Lane. The conclusion of this report notes that *"Residents confirmed CRCL's view that, were a subway to be promoted, the more rural Subway 2 Significant Land Take was preferable"*. However, Chiltern Railways concluded that the Eastern Bridge remains the best solution and would continue to promote it as part of the TWA Order application.
- 3.13 The Objector states that there was a vote of 90% against the TWA Order bridge at meetings held between Chiltern Railways and local residents. It is accepted that there was a majority preference for a subway at the meeting. However, the number of people in attendance did not represent the whole village. This argument is reiterated by Objector 294, Islip Parish Council, which produced a survey citing support for a subway from 94.5% of the people surveyed. In this instance, the number of people who support the subway only represented 37% of residents of Islip Parish, based on the 2001 Census population. Objector 34, the Oxford-Bicester Rail Action Group submitted a petition on 20 July 2010 of 156 signatories supporting a footbridge over Mill Lane. Based on the 2001 population, this represents support of 25% of residents in the Parish for a bridge solution. This confirms Chiltern Railways view that opinion is divided and is certainly not as overwhelming as the percentages referred to by the Objectors.
- 3.14 It is accepted that the Objectors received the photomontages in August 2010.

- 3.15 The Objectors note that Mill Street is a no through road with ‘no measurable use by e.g. horse riders or wheel chairs’. The Objectors note that there is a bridge with a pavement, crossing the railway only 500 metres to the east of the proposed new Mill Lane bridge. The Objectors state that they understand the cost of the Mill Lane bridge to be around £2.7m, which they have calculated results in a rough cost per use of the crossing of around £50. The Objectors state that a simpler crossing would appear to be the ‘common sense solution’.
- 3.16 The Objectors are concerned that while it is proposed that up to £2.7m is to be spent on a ‘non strategic bridge’ there are no specific or costed proposals in the Order documents for noise mitigation proposals. In summary, the Objectors state that too much money is being committed to deliver marginal benefit to the village while none has been specifically allocated to the critical issue of noise.
- 3.17 The road across the existing level of crossing is a public highway and can be used by all traffic, including motor vehicles. Oxfordshire County Council (the highway authority responsible for Mill Lane) has not objected to the stopping up of rights for motor vehicles but have indicated that they require a route across the railway to be maintained for pedestrians, cyclists and equestrian users. There is strong support for replacing the crossing among residents. Chiltern Railways considers that the proposed bridge is the most appropriate means of providing a grade separated route that complies with relevant standards. The cost quoted by the Objectors of £2.7 million is not accepted and Chiltern Railways expect the cost of the bridge to be lower than this.
- 3.18 Chiltern Railways will undertake mitigation of the railway in accordance with the Noise Insulation Regulations 1995 [CD/5.13]. These regulations set out the UK Government policy for when noise mitigation should be provided for railways. In setting the standards, the Government has taken account of the various documents that are available in the UK and internationally. Chiltern Railways has acknowledged its responsibility under these regulations, and has chosen to offer further non-statutory noise mitigation to reduce the effects of the Order Scheme. These additional mitigation measures are set out in the Noise and Vibration Mitigation Policy [CD/1.29]. The trigger levels for mitigation measures can be established by measurements and prediction of standard numerical noise parameters, and take account of existing and future conditions in the area. The intention is to reduce the noise using Best Practicable Means and to offer mitigation to residents on a fair basis. Therefore, Chiltern Railways has costed for noise mitigation and appropriate mitigation will be provided in accordance with the Noise and Vibration Mitigation Policy, which will be enforced by Planning Condition 16 [CD/1.12/1].

## **4 Conclusion**

- 4.1 This rebuttal responds comprehensively to the evidence presented by the Objectors.
- 4.2 Chiltern Railways has produced photomontages to the Objectors that show there is no adverse visual impact for The Grange. Similarly, it has been shown that The Grange is not adversely affected by privacy. Chiltern Railways is prepared to give an

undertaking that it will not provide lighting to the bridge, unless required to do so, either by the local planning authority or Oxfordshire County Council, as the highway authority.

- 4.3 Chiltern Railways has expended considerable efforts in consultation with the Objectors. The Objectors assert that there is overwhelming support for a subway among Islip residents. A more balanced interpretation is set out in paragraph 3.13 of this rebuttal proof.
- 4.4 Chiltern Railways consider the proposed bridge is the most appropriate means of providing a grade separated route over the railway that complies with relevant standards. The cost of the bridge quoted by the Objectors is not accepted. Chiltern Railways would expect the cost to be lower than this. Noise mitigation measures are set out in the Noise and Vibration Mitigation Policy [**CD/1.29**] and will be implemented as part of the overall cost of the Project.

Appendix A

CRCL/R/OBJ91

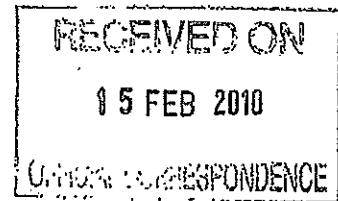
Relevant Correspondence  
between Chiltern Railways  
and the Objector



085/91 PLG

The Grange, Mill Street, Islip, OX5 2SY

Secretary of State for Transport  
Department of Transport  
TWA Orders Unit Zone 1/31  
Great Minster House  
76 Marsham Street  
London SW1P 4DR



11<sup>th</sup> February 2010

Chiltern Railway, (Bicester-Oxford) proposed new equestrian and pedestrian footbridge at Islip crossing No 16

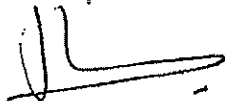
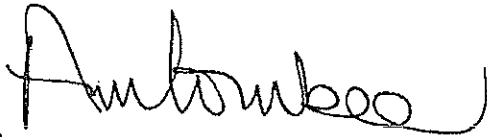
We are writing to lodge an objection to the above bridge for the following reasons:

1. Having seen the plans we are appalled at the size of the proposed bridge and where the plan is for it to be sited. It will be very close to the boundary of our property and anyone using the bridge will have a clear view into our garden and house totally compromising our privacy. There will also be an added security risk.
2. If the bridge is to be lit, which I assume it will for safety reasons, the lights will be visible from our property and cause severe light pollution.
3. The noise impact in our garden, and house, will be considerable from those using the bridge.
4. The potential for antisocial behavior on the site is a concern.
5. The size of the bridge will change the character of Mill Street and is totally inappropriate in this setting. At the consultation meeting held in the village to discuss the crossing it was stated that there was one request for a bridge with equestrian usage. We are amazed that a plan has been put forward at a cost of £1.5 million to accommodate that request. If only a pedestrian bridge, with disability access, were proposed a smaller structure could be built which would have less impact and cost less.
6. We are concerned that the compulsory purchase of the land and building of the bridge will change the land from green belt to brown belt with the potential for future development. Please define the term 'limits of deviation', the land shaded red on the plans. This land abuts our boundary on two sides. Will this land be purchased by Chiltern Rail? If not, what rights will they have over it? If

the bridge was built on the unused meadow between the railway and donkey field this would negate this concern. An alternative is for Chiltern Railways to make a compulsory purchase of Kareol, Mill Lane and build a bridge on the line of the road. (We have informed Mrs Eileen Henebury that we will be making this proposal).

We agree the village is likely to benefit from a pedestrian bridge and would like to work with Chiltern Railway to devise one which is less imposing and does not have such an impact on the immediate area.

Yours sincerely



Ann Conibear

Jon Conibear

Cc Adrian Shooter, Chiltern Railway Consultation team, Eaton House, OX2 0QS

Dear Jon

Thank you for your email of 19 April 2010 regarding the Islip Level Crossing. In response to your query regarding the status of the Mill Lane crossing, the road as a public highway does serve both pedestrians and horse riders. As a quiet, rural road, Mill Lane is seen by the County Council and other amenity groups as being important for horse riders in particular in joining up an otherwise fragmented bridleway network in this area. It provides a link between bridleway BR260/1 which joins Mill Lane further to the south and the rest of the bridleway network to the north west.

All views expressed by local residents and community representative organisations will be taken into consideration alongside those of other representations received on the Scheme.

Regards

Sarah Goodall  
Senior Planner

ERM  
2nd Floor  
Exchequer Court  
33 St Mary Axe  
London  
EC3A 8AA

020 3206 5662  
[sarah.goodall@erm.com](mailto:sarah.goodall@erm.com)

**From:** Conibear [<mailto:conibear@btinternet.com>]

**Sent:** 19 April 2010 16:41

**To:** Sarah Goodall; [t@hallchurch.com](mailto:t@hallchurch.com)

**Cc:** 'Paul Clarke'; Charlene Baker; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections; 'Angie Paterson'

**Subject:** RE: Evergreen 3 obj 294

Dear Sarah

I note that under the County Council Definitive Map of Public Rights of Way 2006 the crossing does not service any public right of way including either bridleway or public footpath.

Does this affect your point of view in any way?

If for example the local community voted firmly and clearly on the kind of crossing needed would you change your judgement?

Yours sincerely

Jon Conibear

**From:** Sarah Goodall [<mailto:Sarah.Goodall@erm.com>]

**Sent:** 19 April 2010 15:14

**To:** [t@hallchurch.com](mailto:t@hallchurch.com); Angie Paterson

**Cc:** 'Conibear Jon'; 'Paul Clarke'; Charlene Baker; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections

**Subject:** RE: Evergreen 3 obj 294

Tim

Thank you for your email dated 13 April 2010. In response to your comments regarding the need for a bridleway bridge at Islip level crossing I refer you to the letter from Allan Dare of Chiltern Railways to Michael Wilkinson responding to Islip Parish Council's formal objection to the Scheme. In this he sets out case for a ramped bridge at this location which will be suitable for use by horses.

20/07/2010

**Nicola Finlay**

---

**From:** Conibear [conibear@btinternet.com]  
**Sent:** 19 April 2010 16:41  
**To:** Sarah Goodall; t@hallchurch.com  
**Cc:** 'Paul Clarke'; Charlene Baker; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections; 'Angie Paterson'  
**Subject:** RE: Evergreen 3 obj 294  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Sarah

I note that under the County Council Definitive Map of Public Rights of Way 2006 the crossing does not service any public right of way including either bridleway or public footpath.

Does this affect your point of view in any way?

If for example the local community voted firmly and clearly on the kind of crossing needed would you change your judgement?

Yours sincerely

Jon Conibear

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**From:** Sarah Goodall [mailto:Sarah.Goodall@erm.com]  
**Sent:** 19 April 2010 15:14  
**To:** t@hallchurch.com; Angie Paterson  
**Cc:** 'Conibear Jon'; 'Paul Clarke'; Charlene Baker; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections  
**Subject:** RE: Evergreen 3 obj 294

Tim

Thank you for your email dated 13 April 2010. In response to your comments regarding the need for a bridleway bridge at Islip level crossing I refer you to the letter from Allan Dare of Chiltern Railways to Michael Wilkinson responding to Islip Parish Council's formal objection to the Scheme. In this he sets out case for a ramped bridge at this location which will be suitable for use by horses.

'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.'

Further to this letter I understand that Michael Wilkinson has made contact with Stephen Barker of Chiltern Railways who confirmed that the team is looking at west option and that a drawing will be produced to show how the structure might work and what land it would take.

27/04/2010

Regards

Sarah Goodall  
Senior Planner

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sarah.goodall@erm.com

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**From:** Tim Hallchurch [mailto:timothy@hallchurch.com]  
**Sent:** 13 April 2010 17:47  
**To:** Sarah Goodall; Angie Paterson  
**Cc:** 'Conibear Jon'; 'Paul Clarke'; Charlene Baker; 'Keith Milner'; 'Michael Wilkinson'  
**Subject:** RE: Evergreen 3 - bridge at Islip crossing

Sarah,

This is getting ridiculous. NR is going to spend over £1m for a bridge nobody wants, will not be used and will be an eye saw. How about some common sense somewhere along the line. If necessary can it not go to the transport committee to agree a closure of the route as a bridleway?

Angie – can you please copy to John Howell re the meeting we had with Islip PC.

*Timothy T Hallchurch MBE*

FCMI MBA AMBCS IHHHT MIOD MGHT

Councillor, Oxfordshire County Council - Otmoor & Kirtlington Division - [www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

Councillor, Cherwell District Council - Otmoor Ward - [www.otmoor.co.uk](http://www.otmoor.co.uk) - [www.cherwell-dc.gov.uk](http://www.cherwell-dc.gov.uk)

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**From:** Sarah Goodall [mailto:Sarah.Goodall@erm.com]  
**Sent:** 13 April 2010 16:58  
**To:** 'Michael Wilkinson'  
**Cc:** Conibear Jon; Tim; Paul Clarke; Charlene Baker  
**Subject:** RE: Evergreen 3 - bridge at Islip crossing

27/04/2010

Mr Wilkinson

I apologise for not getting back to you sooner, but I have been on leave over the Easter period. In your email to Paul Clarke dated 28 March 2010 you raised the question as to who the Chiltern Railways team has been consulting with at the county council with respect to public rights of way issues. I have been in discussion with Hugh Potter who is a senior rights of way field officer at the county council and his colleagues Sarah Aldous and Andy Sylvester in the County's Countryside Service. The County's public rights of way officers have maintained a consistent view that there is a need to retain equestrian provision at the Islip crossing. This was reiterated most recently to me in a meeting held with Hugh Potter and his colleagues on 01/04/2010.

Kind Regards

Sarah Goodall  
Senior Planner

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2nd Floor  
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---

**From:** Paul Clarke [mailto:PaulClarke@ardent-management.com]  
**Sent:** 12 April 2010 07:36  
**To:** 'Michael Wilkinson'  
**Cc:** Conibear Jon; Tim; Sarah Goodall  
**Subject:** RE: Evergreen 3 - bridge at Islip crossing

Mr Wilkinson

I have passed your e-mail to my colleague Sarah Goodall who is dealing with the bridge. She will reply to you on the points you have raised.

Regards,

Paul



**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)

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**From:** Michael Wilkinson [mailto:wilkimj@hotmail.com]  
**Sent:** 28 March 2010 21:20  
**To:** Paul Clarke  
**Cc:** Conibear Jon; Tim  
**Subject:** Evergreen 3 - bridge at Islip crossing

Dear Mr Clarke,

Mrs Conibear, who lives in Islip, tells me that you spoke to her at the Wolvercote meeting 25.3.10 about the bridge proposed by Chiltern Railways at the Islip crossing. I understand that you told her her that Oxfordshire County Council has asked for an equestrian bridge.

27/04/2010

**Nicola Finlay**

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**From:** Sarah Goodall  
**Sent:** 26 April 2010 19:42  
**To:** Ann Conibear  
**Cc:** t@hallchurch.com; 'Paul Clarke'; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections; 'Angie Paterson'  
**Subject:** RE: Evergreen 3 obj 294  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Ann

Many thanks for your email suggesting an alternative route for horse riders through the village. This route has previously been raised with equestrian interest groups who expressed concern regarding safety due to traffic and poor visibility of riders through the village due to the high number of parked cars. With regard to the size of the bridge, the footbridge and approach ramps will thus be a sizeable structure, wherever it might be located, and whether or not used by horse riders. 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.

Regards

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Senior Planner

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EC3A 8AA

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---

**From:** Ann Conibear [mailto:conibear@btinternet.com]  
**Sent:** 22 April 2010 10:58  
**To:** Sarah Goodall  
**Cc:** t@hallchurch.com; 'Paul Clarke'; 'Keith Milner'; 'Michael Wilkinson'; ERM UK Chiltern Objections; 'Angie Paterson'  
**Subject:** Re: Evergreen 3 obj 294

There is already a link if you use the Kidlington Road, go down Church road, along Mill Street and onto to the bridle way, which for the one or two horses who might use the bridle way seems a better solution than £1.5 million on a new bridge. I do not not agree about the equestrian use not affecting the construction of the bridge as my understanding is that for disabled use the ramps can turn back on themselves and the incline can be marginally steeper.

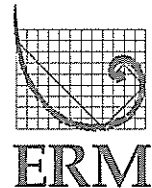
Ann Conibear

On 21 Apr 2010, at 18:12, Sarah Goodall wrote:

27/04/2010

Mr and Mrs Conibear  
The Grange  
Mill Street  
Islip  
OX5 2SY

01 June 2010  
Ref: 0110147 OBJ/91



Dear Mr and Mrs Conibear

### Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

Thank you for your letter dated the 11<sup>th</sup> February 2010 submitted to the Department for Transport which objects to the Order application, specifically your objection relates to the footbridge/equestrian bridge at Islip.

I am aware that you have had correspondence with my colleagues Paul Clarke of Ardent Management and Sarah Goodall of ERM. I am also aware that you have been copied into emails with Islip Parish Council. You are therefore aware of Chiltern Railways' current position, and the purpose of this letter is to confirm that position and answer any other matters in your objection letter that have not already been dealt with. I will respond to your letter using the numbering you provided.

#### 1. Size and siting of structure

From the email correspondence you have seen, you will be aware that the size of the structure is a consequence of national legislation. Specifically, 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 footbridge and approach

ramps will need to be a sizeable structure, as in our proposal, wherever it might be located, and whether or not used by horse riders.

You have raised concern that the structure would compromise your privacy and would present a security risk for your property. I do not agree that this structure would harm your privacy or create a security risk for your property. The bridge features a parapet of at least 1.5 metres in height the bridge which could both act as a screen to restrict views as well as providing adequate safety for users of the bridge. The bridge and approaches will be fenced and I do not believe that the presence of the bridge would add materially to any security risk to your property.

## **2. Light Pollution from bridge**

Chiltern Railways does not intend to use lighting on the bridge. However, this will be subject to further discussion with the County and District Councils at the time of detailed design. If the overall scheme is approved, detailed design will have to be approved by Cherwell District Council, who would have to make any decision regarding lighting.

## **3. Noise impact from users of the bridge**

I do not agree with your view that pedestrians and bridleway users on the bridge would result in a significant noise impact on your property.

## **4. Potential for antisocial behaviour**

I do not agree that a pedestrian/equestrian bridge in this location would create a significant potential for antisocial behaviour. It is sited well away from the main residential areas in Islip and will be a high quality design solution with open surveillance thus reducing the opportunity for antisocial behaviour. The landscape design eliminates closed areas under the bridge, which might be more at risk of attracting anti social behaviour.

## **5. The bridge will change the character of Mill Street**

There is a need for a bridge in this area and Chiltern Railways have carefully considered the design of bridge so that it is in keeping with the character of the area. The gradual grassed approaches make best use of the topography and will be much less prominent than a typical foot bridge with steel approach ramps.

## **6. Compulsory purchase of land will change the land from green belt to brown belt and allow future development**

You have raised concern that the compulsory purchase of land could allow future development as the land would be classified as brown belt rather than green belt. I can confirm that under the statutory planning system the compulsory purchase of this land will not alter the green belt designation. Therefore, the purchase of this land does not allow the potential for future development to be any greater than it currently is.

You have also asked that the 'limits of deviation' be defined. Limits of deviation are the maximum amount of land that Chiltern railways might require to carry out the works. In the case of this bridge, Chiltern Railways will, at detailed design stage, define exactly how much of the land shown pink will be needed and any land outside the footprint of the bridge and approaches will either not be acquired or will be returned to the landowner on completion of construction.

Finally we welcome that you agree the village is likely to benefit from a pedestrian bridge. Chiltern Railways is 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:

Mr and Mrs Conibear  
The Grange  
Mill Street  
Islip  
OX5 2SY

Dir Tel – 07900 052307  
E-mail – paulclarke@ardent-  
management.com

16<sup>th</sup> July 2010

Dear Mr and Mrs Conibear,

### **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 22<sup>nd</sup> 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,



**Paul Clarke**  
**Associate director**

**Nicola Finlay**

---

**From:** Paul Clarke [PaulClarke@ardent-management.com]  
**Sent:** 22 September 2010 10:23  
**To:** 'Ann Conibear'  
**Cc:** Richard Venables; Peter Gibbard; chiltern objections; ERM UK Chiltern Objections  
**Subject:** OBJECTION 91

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Anne

With regards to lighting, it is currently not envisaged that the bridge will need to be lit, as the existing crossing is not lit. However, in the Request for Deemed Planning Consent, the landscaping reserved matter includes the need to include lighting proposals in landscaping scheme applications - Proposed Condition 5.1(a) in Appendix 2. Consequently, the LPA could make lighting a condition. This is out of Chilterns control.

As I said before, you will have the ability to comment on the reserved matters applied for, as for any other planning application. Light pollution in a rural area sounds to me (I am not a Planner) a very valid concern. To address this, I can recommend to Chiltern that it agrees to:

1. use reasonable endeavours to avoid a requirement for lighting.
2. if lighting is insisted upon, to use reasonable endeavours to make it as un-intrusive as is possible. I would think that there is scope to put lighting within the high parapet walls of the bridge, rather than above it shining down.

The deeper cut idea is not feasible. This would lower the level of the railway on both sides for a long distance either way, to keep the gradient to an acceptable level. As towards Oxford the railway crosses the River Cherwell and its flood plain, this would increase the risk of flooding.

The noise mitigation measures are set out in the ES. Figure 6.1K in Volume 3 shows the location of noise barriers through Islip from Church Close to Mill Lane. From Mill lane towards Oxford, this is not specified so that Chiltern could obtain the views of residents backing onto the line. They have said that they would prefer a noise barrier. These are basically 2m high wooden faced fences as close to the track as is possible to still allow maintenance access. In addition to this, the fact that the track is being re-laid will cause a significant reduction in noise in any event. It will also have to be maintained to a higher standard than at present, as it will be more intensively used.

Please let me know if you want to discuss this or if you need any further information.

Regards,

Paul

Paul Clarke | Associate Director  
Ardent Property Consultants  
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| www.ardent-management.com |

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

**From:** Ann Conibear [mailto:conibear@btinternet.com]  
**Sent:** 22 September 2010 09:20  
**To:** Paul Clarke

20 October 2010

Mr and Mrs Conibear  
The Grange  
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OX5 2SY

*Direct lines*  
Telephone +44 20 3206 5661  
Facsimile +44 20 3206 5440  
Email [ian.gilder@erm.com](mailto:ian.gilder@erm.com)

*Your ref: OBJ/91*

Dear Mr and Mrs Conibear

**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*

03 November 2010

Mr and Mrs Conibear  
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Facsimile +44 20 3206 5440  
Email [ian.gilder@erm.com](mailto:ian.gilder@erm.com)

Your ref: OBJ 91

Dear Mr and Mrs Conibear

**Proposed Chiltern Railways (Bicester to Oxford Improvements) TWA Order**

You have objected to the application for the above Order and this letter is a further response to your concerns about the effect of noise and/or vibration of the proposed Scheme and its impact on your property.

Since the Environmental Statement ("ES") was published further refined noise modelling and monitoring have been carried out.

Chiltern Railways is committed to using the Best Practicable Means to design the railway so as to avoid significant noise and vibration impacts. You have recently been sent the *Chiltern Railways (Bicester to Oxford Improvements) TWA Order Noise and Vibration Mitigation Policy (October 2010)*, which sets out in practical detail Chiltern Railways' commitment to control noise and vibration impacts.

The purpose of this letter is:

- to report the noise effects specifically at your property based on the refined noise modelling and monitoring carried out since the ES;
- to explain the noise mitigation that will be provided as a result of the Noise and Vibration Policy being implemented, noting that the final form of mitigation will be determined during detailed design before the Scheme is operational; and
- to explain the residual effect of noise with this mitigation in place.

The effect of noise from the trains on persons at a property in an area depends on the nature of the area being considered. In built up areas, where noise levels are already high, the effect of a new noise source tends to depend on the change from the existing ambient noise level. In more open areas, with very low ambient noise levels, the effects of a new noise source on people tends to depend on how loud the noise is in isolation. So in such open areas, the noise from the trains is compared to an absolute threshold level, and the impact is assessed based on the amount by which the train noise is likely to exceed that level.

The effect of the predicted noise from trains on your property assessed below is based on your property being situated in an open area, but one which is only affected by low noise levels from trains so that noise change determines the impacts.

**Table 1 Predicted Noise Impacts of the Scheme (Based on the Refined Noise Modelling and Monitoring)**

Location	Noise Impact over Period Shown (dB)	
	Day	Night
OBJ91		
1 Existing noise level ( $L_{Aeq, Period}$ )	47	41
2 Future noise impact without mitigation	0	4
3 Mitigation proposed	No mitigation required	
4 Future noise impact with this mitigation	0	1
5 Change in noise impact as a result of mitigating the scheme (item 4 compared with 2).	0	3

At your property an exceedance of 1 dB over the night-time noise threshold has been predicted as the impact of the Scheme. Since this impact is not significant, further mitigation is not required.

To explain what this means, the smallest change in noise level that is noticeable under normal listening conditions (ie not in a laboratory) is 3 dB. The noise impact at this property has been classed as "slight" because it is not expected to have a significant effect even at the highest window of your property.

In terms of vibration Page 6-42 of the ES highlighted that levels of ground vibration are not expected to exceed the stringent assessment criterion beyond approximately 10 m from the tracks. This criterion is based on levels in BS6472 for a low probability of adverse comment. Your property is beyond this distance from the tracks and vibration is not expected to result in significant disturbance based on these stringent thresholds. Measurements of existing vibration carried out since the ES was written have confirmed that no structural or cosmetic damage to property will occur as a result of train vibration whether within 10m of the line or further away.

We hope that you find this information useful and that it addresses some of your concerns regarding the scheme.

Yours sincerely,

*Ian Gilder*

Ian Gilder  
Head of Planning

For and on behalf of the Chiltern Railway Company Ltd



Appendix B

CRCL/R/OBJ91

Photograph of The Grange  
and Surroundings from Mill  
Lane



Photograph



GR: 4502285 E 213960 N  
 Distance to site: 40m  
 Direction from site: E

Horizontal field of view: 72.5°  
 Viewing distance approx. 30cm  
 for A3 print

CLIENT: **Chiltern Railways**

SIZE:  
 A3



Drawing ERM.PM.E03  
 The Existing View from the Garden  
 of 'The Grange'

DATE: 03/08/10	CHECKED: NT	PROJECT:
DRAWN: TMD	APPROVED: MF	<b>Mill Lane</b>
DRAWING:		REV: 0



Existing view



Proposed view



Image is based on level data from NextMap Britain 5m DTM and Railways Survey drawing

GR: 4502277 E 213956 N  
 Distance to site: 30m  
 Direction from site: E  
 Viewpoint level: 64.6m AOD  
 Photo taken: 24/05/10

Horizontal field of view: 72.5°  
 Viewing distance approx. 30cm  
 for A3 print

CLIENT:

**Chiltern Railways**

SIZE:

A3



Photomontage of Mill Lane Bridge from the Upstairs Window of The Grange Without Mitigation

DATE: 03/08/10	CHECKED: NT	PROJECT:
DRAWN: TMD	APPROVED: MF	<b>Mill Lane</b>
DRAWING: <b>ERM.PM.E01</b>		REV: 0



Proposed view with planting mitigation at year 10



Woodland planting on the embankment is shown up to maximum height of 8m with the four standard trees in the foreground illustrated at a height between 11m and 12m.

Image is based on level data from NextMap Britain 5m DTM and Railways Survey drawing

GR: 4502277 E 213956 N  
 Distance to site: 30m  
 Direction from site: E  
 Viewpoint level: 64.6m AOD  
 Photo taken: 24/05/10

Horizontal field of view: 72.5°  
 Viewing distance approx. 30cm  
 for A3 print

CLIENT: **Chiltern Railways**

SIZE:  
A3



Photomontage of Mill Lane Bridge  
 from Upstairs Window of The Grange  
 with Established Planting in Year 10

DATE: 03/08/10	CHECKED: NT	PROJECT:
DRAWN: TMD	APPROVED: EC	<b>Mill Lane</b>
DRAWING: <b>ERM.PM.E02</b>		REV: 0



Existing Boundary Hedgerow

The Grange

KEY:

CLIENT:

Chiltern Railways

SIZE:

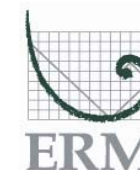
A4

TITLE:

Drawing ERM.P.0BJ 91  
Photo of The Grange and Surroundings from  
Mill Lane

ERM

2nd Floor, Exchequer Court  
33 St Mary Axe  
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EC3A 8AA  
Tel: 020 3206 5200  
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ERM

DATE: 23/07/2010

CHECKED: JF

PROJECT: 0110147

DRAWN: JF/NT

APPROVED: SG

SCALE: Not to Scale

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DRAWING:

REV:

0