RE-OPENED PUBLIC INQUIRY 2012

Transport and Works Act 1992

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

Chiltern Railways TWA Application 2010 to the Secretary of State

STATEMENT OF CASE

1. The mitigation measures proposed by Chiltern Railways since the close of the Inquiry and agreed by Natural England to protect bats at Wolvercote Tunnel are not sufficient.

2. It is ridiculous to imagine that having lights go on and off in a tunnel to warn bats of an approaching train will not harm a nocturnal species. This proposal should be treated with the utter contempt it so richly deserves. I can only believe that this proposal was never meant to be read critically like so many of Chiltern Railways’ submissions.

3. Chiltern Railways has failed to provide any evidence of railway tunnels in which bats coexist happily with mainline train and freight services. The logical conclusion is that bats cannot, for all the reasons advanced at the original Inquiry. There are numerous examples of bats occupying disused railway tunnels. Wolvercote Tunnel exists on a line that was closed in 1967 and then reopened with infrequent trains and a line speed of 30 mph.

4. Condition 19 (operational noise and vibration monitoring and mitigation) in the form now proposed will not “ensure that the operation of the scheme would have an acceptable effect on local residents, businesses and the environment, by virtue of noise and vibration”.

5. Adrian Shooter, the former chairman of Chiltern Railways said that this is “the first new rail link from London to a major British city since 1910” and that it is “the biggest passenger rail project for several generations not to call on the taxpayer for support”.¹ This is a totally new development concept. No local planning authority has experience with dealing with privately funded railway developments.

6. The local planning authority needs to employ the services of highly qualified individuals with the necessary expertise in order to make the approval, of Chiltern Railways’ detailed scheme of assessment for noise, vibration and mitigation, more than a mere rubber stamping exercise.

7. The original Inquiry was conducted in an adversarial style which resulted in the party with the deepest pockets dominating with insouciance. A transcript of the proceedings was not made available therefore parties who could not attend every session were disadvantaged. I urge the Inspector to adopt an Inquisitorial approach at the re-opened Inquiry and to take a more pro-active stance, with Chiltern Railways’ legal representatives dissuaded from bullying objectors. This should ensure that the process is fairer and more likely to resolve the outstanding issues by getting to the truth of the matters rather than objectors’ concerns being obfuscated by legal bluster.

3 April 2012

¹ Chiltern Railways press release 15 January 2010
Documents

This is a list of documents that may be referred to or put in evidence at the re-opened Inquiry.


Joint Nature Conservation Committee, *1303 Lesser horseshoe bat*.

Joint Nature Conservation Committee, *1308 Barbastelle*.


