

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

**CHILTERN RAILWAYS' RESPONSE TO  
NATURAL ENGLAND'S OUTSTANDING  
OBJECTIONS SET OUT IN OBJ 246/5**

**1 Introduction**

- 1.1 This response deals with the outstanding objections set out in **OBJ 246/5**, submitted on 24 November 2010. It notes, in relation to certain of these objections, where these are also dealt with in other Inquiry documents or evidence.

**2 Port Meadow with Wolvercote Common and Green SSSI**

**Air Quality**

- 2.1 A detailed technical response on this issue is contained in Andy Coates' email to Charlotte Frizzell, (NE) on 7 December 2010, copy attached. No response has yet been received.
- 2.2 Chiltern Railways hopes that NE will accept the conclusions in that email, namely that given this analysis, there is no evidence that emissions from trains operating following completion of the Order Scheme, either in Phase 1 or Phase 2, will have any adverse effect on the integrity of this SSSI.

**Direct Disturbance**

- 2.3 Chiltern Railways is prepared to accept the amended wording to Condition 13 proposed by Natural England and will propose this in the final version of the draft conditions proposed by CRCL to the Inquiry.
- 2.4 Chiltern Railways had proposed to formalise vehicular rights of access, to be exercised on a very restricted bases, for allotment holders along the concrete track from Walton Well Road to the allotments. It has not been possible to identify any suitable prospective users of this track among the allotment holders, except for the occasional deliveries etc already permitted by the City Council. The proposal has also been opposed by Mr Salisbury and others on behalf of the Trap Ground Allotments Association. For these reasons, CRCL has decided not to pursue this proposal and appropriate amendments to the draft Order will be proposed in a consolidated note to be presented to the Inquiry, in the near future.

- 2.5 As part of the proposal to permit the allotment holders to use the track across Port Meadow, CRCL has explored the potential provision of parking for those users. As set out in **CRCL/INQ/29**, this would have been provided inside the allotments on land which is not part of the SAC or SSSI. The offer to construct these parking spaces remains open, but CRCL would only do so if this were agreed by the Oxford City Council and the TGAA.
- 2.6 CRCL can also confirm that drawing PK/002 attached to **CRCL/INQ/13**, which showed a boundary fence alongside the raised footpath, was included in error and that no fences are proposed beyond the wicket gate at the foot of the ramp, as at present. This is shown correctly on drawing PK/003, which will be provided to the Inquiry as part of the consolidated note.
- 2.7 As part of the 'tidying-up' of the draft Order, Chiltern Railways is reviewing the extent of the land over which it is seeking powers within Port Meadow, including the allotments. The draft order will be amended, in due course, to restrict the land take to the land required for the regrading and surfacing of the bridleway/footpath ramp and works to the bridge and for the raising of the bridleway/footpath already agreed by Natural England. Powers will still be sought for the use of the hardened track from Walton Well Road for use by a small number of construction vehicles bringing in materials and equipment. One plot, 29009, alongside the path will be needed for the temporary storage of construction material and equipment. The remaining plots, on Port Meadow and the allotments, not required, will be removed from the Order
- 2.8 CRCL will provide a detailed Method Statement for these works, before they are commenced in accordance with proposed planning condition 13.

### **Conclusion**

- 2.9 Natural England is asked to confirm that all of its objections in relation to the Oxford Meadows SAC and Port Meadow SSSI are withdrawn.

## **3 Wendlebury Meads and Mansmoor Closes SSSI**

### **Air Quality**

- 3.1 A detailed technical response on this issue is contained in Andy Coates' email to Charlotte Frizzell, (NE) on 7 December 2010, copy attached. No response has yet been received.
- 3.2 CRCL believes that Natural England has drawn an incorrect conclusion from the evidence, including the statement in para 4.1 of **CRCL/P/10/E** and hopes that NE will accept the conclusions of the analysis set out in the email. Given that any exceedances of total airborne nitrogen are only fractionally above the critical levels at the SSSI site boundary and given the extent of the SSSI which is well away from the railway boundary, Chiltern Railways conclusion is that there is no evidence that there will be any adverse effects on the integrity of this SSSI.

## Direct Disturbance

- 3.3 CRCL welcomes Natural England's withdrawal of that part of the objection relating to the potential hydrological impacts of the accommodation works necessary or adjacent to the SSSI, in accordance with the conclusions of **CD/2.31** as set out in **CRCL/INQ/24**.
- 3.4 Chiltern Railway's evidence of the need for and impact of the proposed track along the edge, but within the SSSI and the removal of Paul Miller's barn is set out in Andy Coates' evidence (**CRCL/P/10/A**) at paras 2.47 to 2.50, in Appendix ASC4 and in paras 5.1 to 5.9 of **CRCL/P/10/E**. Evidence from grassland habitat restoration schemes elsewhere suggests that the site of the barn can be restored over time with a plant community which is diverse and reflects that of the immediately adjoining SSSI meadow. Although the new track would necessarily remove a narrow section across the surviving ridge and furrow, this loss is of no significance in historical terms and there will be no significant adverse effects on the plant communities in the immediately adjacent meadow.
- 3.5 In CRCL's view, Natural England is not applying the correct test in relation to the potential loss of SSSI habitat that would result from the construction of the track. Even if Natural England is correct that there will be a net loss of habitat (which is contrary to CRCL's evidence), NE must consider the Landowners' Alternative (set out in **OBJ 185/3**), taking all of the environmental, engineering and economic evidence together and accepting that this alternative is infeasible. This conclusion is set out in the report in Appendix IMG 20 in **CRCL/P/12/B**, which Natural England has already seen and is summarised in the CRCL rebuttal proofs to the evidence of **OBJ 185** and other relevant objectors.

## Conclusion

- 3.6 CRCL's evidence to the Inquiry is that emissions from trains will have no discernible impacts on the SSSI and that the construction of an access track, which is necessary as part of the future management of the SSSI, is justified and will have, on balance, no adverse impacts on the SSSI. Natural England is asked to confirm that all of its objections in relation to this SSSI are withdrawn.

## 4 Hook Meadows and Trap Grounds SSSI

### Air Quality

- 4.1 A detailed technical response on this issue is contained in Andy Coates' email to Charlotte Frizzell, (NE) on 7 December 2010, copy attached. No response has yet been received.
- 4.2 Natural England is misinterpreting the evidence presented on behalf of CRCL in Andy Coates' evidence (**CRCL/P/10/A**) at paras 2.54 to 2.55 and in para 6.1 of **CRCL/P/10/E**. Given the low levels of predicted nitrogen deposition predicted from trains operating after the completion of the Order Scheme and the unfavourable conservation status of much of this site which are the results of lack of appropriate management and localised water ingress, there is no evidence that nitrogen

deposition from the Scheme will have any discernable adverse effects on the integrity of this SSSI.

## **Conclusion**

- 4.3 Natural England is asked to confirm that its objection in relation to the Hook Meadows and Trap Grounds SSSI is withdrawn.

## **5 Protected Species**

- 5.1 CRCL's further research and amended proposals in relation to bats in Wolvercot Tunnel is being set out in a further Inquiry note, which addresses the concerns in **OBJ 246/4**. This will be available to Natural England in the near future.
- 5.2 Natural England is asked to consider the proposals in that note, in particular the results of the structural surveys and the proposals to retain and enhance roosts in the tunnel. CRCL is also prepared, on a precautionary basis, to undertake monitoring of trains in operation and to install a deterrent lighting scheme that would be activated in the event that there is any evidence of bat injuries or mortalities.
- 5.3 Natural England is asked to withdraw its remaining objection in relation to protected species and to confirm that, insofar as the works proposed at Wolvercot Tunnel require Protected Species licences, these are likely to be issued.

## **6 Overall Conclusion**

- 6.1 Chiltern railways believe that all of the objections made by Natural England have been fully addressed and that Natural England will be able to withdraw all of its outstanding objections.

Ian Gilder and Andrew Coates

13 December 2010



Appendix A

CRCL/INQ/48

Correspondence with  
Natural England



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**From:** Andy Coates  
**Sent:** Tuesday, December 07, 2010 7:40 AM  
**To:** Charlotte Frizzell  
**Cc:** olivia.euesden@naturalengland.org.uk; Diane Taylor; Ian Gilder  
**Subject:** Chiltern Railways - Further Clarification on the Effects of Air Emissions on the SSSIs

Hi Charlotte and thank you for your recent response you made to the Inspector (OBJ 246/5). We are obviously pleased that Natural England (NE) has removed its objection in respect of air pollution on the Oxford Meadows SAC.

I am hoping that we can talk a bit more about the air pollution effects on the SSSIs, and I have set out some further clarifications below to see if this helps.

It is now becoming a matter of urgency that CRCL and NE finalise the position on all outstanding NE objections. A response to your other outstanding points in OBJ 264/5 and in relation to bats will be with you shortly. We would like to be able to record in our response to OBJ 264/5 that NE is satisfied that there will be no impacts on the SSSIs from airborne nitrogen.

Thanks and regards

Andy

For all the SSSIs the incremental levels of airborne NO<sub>x</sub> do exceed the 1% of the critical level for unimproved hay meadows and total concentrations do exceed the 70% level. However, for both Port Meadows with Wolvercote Common and Green SSSI and Hook Meadow and Trap Grounds SSSI the total concentrations at the nearest site boundary lie well below the critical level for NO<sub>x</sub> of 30 µg m<sup>-3</sup> (ie 25.5 µg m<sup>-3</sup> and 26.5 µg m<sup>-3</sup> respectively). Even at Wendlebury Meads and Mansmoor Closes SSSI the total concentration at the nearest site boundary is only marginally over the critical level (30.5 µg m<sup>-3</sup> compared with 30 µg m<sup>-3</sup>).

The findings for deposited nitrogen are very similar in that the 1% and 70% thresholds are exceeded, however, all the total deposition loads lie within the critical range of (20 – 30 kg N ha<sup>-1</sup>yr<sup>-1</sup>). Those for Port Meadows with Wolvercote Common and Green SSSI and Hook Meadow and Trap Grounds SSSI are also at the lower end of the range (20.9 kg N ha<sup>-1</sup>yr<sup>-1</sup> and 22.5 kg N ha<sup>-1</sup>yr<sup>-1</sup>). Even the loads at Wendlebury Meads and Mansmoor Closes SSSI are mid range at 25.1 kg N ha<sup>-1</sup>yr<sup>-1</sup>).

In considering the above it is important to recognise the following:

- the levels quoted above are at the boundaries of the SSSIs closest to the railway, and do not reflect the effects across the greater part of each SSSI;
- the critical levels/loads are based on those for unimproved hay meadow, and not all of the habitats affected are unimproved hay meadow (such as the grassland area present within Unit 4 of Port Meadows with Wolvercote Common and Green SSSI, which consists of pasture grassland, and the area of improved grassland to the southern end of the unit); and
- one of the aims of the Order Scheme that will be delivered is to promote sustainable transport links in the region and provide alternative transport options - thereby encouraging people to drive less and reduce emissions from road vehicles (in addition to continuing improvements in their environmental performance).

**Port Meadows with Wolvercote Common and Green SSSI**

- It is clear from the contour maps we have provided to you already that the habitats affected by deposited nitrogen over the 1% threshold are largely MG6 and the area of MG13 supporting *Apium repens* (creeping marshwort).
- Only small areas of MG5 and MG11 are affected by levels exceeding 1% of the critical load. In addition the 1% threshold contour has been drawn based on the lower end of the range (ie 20 kg N ha<sup>-1</sup>yr<sup>-1</sup>) and so presents a worst case.
- The predicted total deposition rate is only 20.9 kg N ha<sup>-1</sup>yr<sup>-1</sup> at the SSSI site boundary. Based on the contour plots the total concentration at the closest edge of the MG5 and MG11 is likely to be less than this and more likely 20.6 kg N ha<sup>-1</sup>yr<sup>-1</sup> (ie even closer to the lower end of the critical load range).
- As noted in CRCL/P/10/A, the MG11 and MG13 areas are both in favourable condition despite a high nitrogen input from grazing (which is largely restricted to these communities during the summer months, due to the presence of flooding within these sections of the site). This suggests that the MG11 and MG13 communities are tolerant of nitrogen.
- On this basis there would seem a strong basis for concluding that air emissions are not going to have any discernable effect on this SSSI.

### **Hook Meadow and Trap Ground SSSI**

- The highest loads of deposited nitrogen occur at the part of the SSSI which lies east of the railway line (1.15 kg N ha<sup>-1</sup>yr<sup>-1</sup> at the site boundary). The loads which are predicted to the habitat west of the railway, which is MG4 and of arguably greater nature conservation importance despite it too being in an unfavourable condition (but recovering), is approximately 0.5 kg N ha<sup>-1</sup>yr<sup>-1</sup> at the site boundary. The majority is however, under 0.4 kg N ha<sup>-1</sup>yr<sup>-1</sup>. Hence the total deposition rate here is 21.7 kg N ha<sup>-1</sup>yr<sup>-1</sup> (ie even closer to the lower end of the critical load range).
- The habitats are all relatively species poor and in an unfavourable condition due to a lack of appropriate management and flooding. As you acknowledge in OBJ/246/5 nitrogen inputs are not the main contributory source. There is no evidence to suggest that the increases in deposited nitrogen proposed will have any discernable effect on this SSSI.

### **Wendlebury Meads and Mansmoor Closes SSSI**

- The predicted total deposition rates at the site boundary lie within the critical range and at worst lie in the middle of this range. So arguably nitrogen deposition may not have any effects.
- The deposition rates across this SSSI are again typically lower than the rate at the site boundary – over half the site will receive deposition rates of under 0.7 kg N ha<sup>-1</sup>yr<sup>-1</sup> compared with 1.66 kg N ha<sup>-1</sup>yr<sup>-1</sup> at the site boundary. This again would result in a total deposition rate of 24.1 kg N ha<sup>-1</sup>yr<sup>-1</sup> over much of the site which is in the lower half of the critical load range.
- The predicted total concentrations of airborne nitrogen are only marginally over the critical level (30.5 µgm<sup>-3</sup> compared with 30 µgm<sup>-3</sup>). Again this is based on the levels at the site boundary. Almost all of the site receives levels of less than 10.5 µgm<sup>-3</sup> and hence the total concentration would be less than the critical load, and the vast majority of the site receives much less still (ie less than 7 µgm<sup>-3</sup>).
- As noted in CRCL/P/10/E, fields closest to the railway were found to be in a good condition indicating that emissions were not affecting the condition of the fields in the SSSI.
- Our view therefore remains that there is no reason to believe that any discernable impacts will result to the habitats within the SSSI.

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**ERM will be exhibiting at the following conferences:  
BWEA32, SECC Glasgow, 2nd to 4th November - Stand 307.**