

PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

UPDATE NOTE ON RIGHTS SOUGHT OVER PORT MEADOW

PORT MEADOW

1. Introduction

- 1.1 This note states what is sought in respect of Port Meadow. It updates the evidence of Ian Gilder (**CRCL/P/121/E**) and Inquiry Notes **CRCL/INQ/13** and **CRCL/INQ/29**, which set out the background.
- 1.2 This note also answers the Inspector's request (**X/8/4 reference 5/4**).
- 1.3 Save for an operational effect, if material, from the running of trains the only significance of Port Meadow to the TWA Order is that Port Meadow provides the principal entrance to the allotments. A secondary entrance to the allotments, being that entrance adjacent to the railway, will lose, in consequence of the Order, its ability to be accessed from across the railway line.

2. The existing bridge

- 2.1 The closure (in accordance with established policy) of the level crossing used (exclusively) by some allotment holders renders it appropriate to consider the alternative to the level crossing namely the bridge, which already provides a crossing of the railway near to the level crossing.
- 2.2 The only significance for Port Meadow is that one side of the bridge stands on Port Meadow and therefore allotment holders along with members of the public use and will continue to use the bridge.
- 2.3 Chiltern Railways considers, and will submit accordingly, that the bridge is a perfectly acceptable access from the western side of the railway to both the allotments and the eastern side of the railway. It is proposed to improve the bridge by regrading the bridge approach ramps and including short level sections. This will make the bridge easier for use for those accessing the Trap Ground Allotments and for members of the public accessing Port Meadow. The works are shown on the illustrative mitigation Design Plans annexed (a revised version of the plans which appeared as Appendix C on CRCL/INQ/13).

3. The bridleway

- 3.1 By way of further improvements of the way to the principal entrance to the allotments Chiltern Railways propose to raise the bridleway which, on the eastern side, falls away from or rises towards the bridge. The works are shown on the illustrative plans annexed. It should be noted that there is no handrail.

In recognition of the current informal nature of the path, it is intended to avoid hard surfacing material such as bitmac and use instead a compacted stone surface, similar in appearance to the existing path.

4. **The permanent vehicular right formerly proposed**

- 4.1 Chiltern Railways had contemplated the taking of vehicular rights over Port Meadow from Walton Well Road to The Trap Ground Allotments by way of the existing concrete track. However, the taking of these rights is unnecessary¹ because, first, pedestrian access from one side of the railway to the other is being considered and the bridge is perfectly adequate for allotment holders as well as being safe and, secondly, informal use of the track over which rights were proposed already occurs controlled by Oxford City Council.
- 4.2 This informal use of the track advantages the allotment holders and others and it is not proposed that the use should be other than informal and controlled by Oxford City Council.
- 4.3 A third reason why taking of rights over the track is unnecessary is that even if there were a realistic possibility of a category of allotment holder physically capable, however slightly, of tending an allotment and being able twice to cross unaided two level crossings but unable to cross the improved bridge, there is no suggestion that those within the category could not take advantage of the existing informal arrangement across Park Meadow to the principal entrance to the allotments.
- 4.4 Chiltern Railways will, because this has been stated², undertake that if within a given time they receive a request from Oxford City Council, who inevitably will have to consult their tenants, the allotment holders, they will fund the reasonable cost of two parking places on the allotments but not, in any form, on the Special Area of Conservation. This offer allows for the possibility that although none has been identified there is someone in the category discussed in the preceding paragraph.

5. **The land, or rights in or over land, required for the bridge and bridleway works**

- 5.1 The land or rights on land, required for the bridge and bridleway works described in paragraphs 2 and 3 are set out in the table below.

¹ The circular, 06/2004, makes plain at paragraph 17 that powers that are unnecessary should not be sought. The evidence has revealed such to be the case.

² See CRCL/INQ/29 paragraph 2.1

Parcel No.	Proposed use	Maximum Duration of proposed use
<i>Land to the east of the railway (not part of Port Meadow)</i>		
29003	Temporary possession of part for materials and plant storage for duration of works; construction of new permanent vehicular access to railway; construction of new parking area for allotment holders and steps from parking area to bridge (if requested by Oxford City Council)	12 months
29004	Temporary access to 29003; construction of new permanent vehicular access to railway	12 months
29005	Construction of new permanent vehicular access to railway; re-grading and resurfacing of eastern approach ramp to bridge; access to bridge	12 months
<i>Land to the west of the railway (part of Port Meadow)</i>		
29009	Temporary possession for the purposes of materials and plant storage and to provide working space in connection with raising of bridleway level and works to western approach ramp to bridge.	3 months
29010	Works to raise level of bridleway between western bridge ramp and concrete track over Port Meadow; temporary right of access in connection with bridleway raising works and works to western approach ramp to bridge.	3 months
29011	Temporary right of access in connection with bridleway raising works and works to western approach ramp to bridge.	3 months
29012	Re-grading and resurfacing of western approach ramp to bridge.	3 months
30009	As 29011.	3 months
<i>Land within existing railway boundary (partially part of Port Meadow)</i>		
29013	Works to main footbridge structure (i.e. renewal of bridge deck and parapet screens). (Also, construction of railway beneath eastern end of footbridge).	3 months
29014 (part) and 29007 (part)	Access (via scaffolding) to the works taking place in 29013. (These plots are within the Network Rail ownership boundary but appear to extend into the Common Land).	3 months

6. Summary

6.1 It follows that the physical works proposed on Port Meadow are and are no more than the following:-

- the improvement of the existing bridge;
- the improvement of the existing bridleway by raising its level.

6.2 The limited scope of the works with permanent rights over the track no longer sought means that the following powers are no longer required:-

- Permanent rights over Plots 29010, 29011 and 30009.

- Any rights over plots 29015 and 29016 (formerly permanent and temporary rights).
- Any rights over plots 29008, 29017 and 29018 (formerly temporary rights only).

6.3 Amendments to remove the rights which are no longer required from the Order are contained in CRCL/INQ/16/1 together with a revised version of sheet 29 of CD/1.9 which reflects the amendments. Consequently, a certificate under Paragraph 6 of Schedule 3 to the Acquisition of Land Act 1981 as respect those rights is not needed, and the application made to the Secretary of State for that certificate is withdrawn so far as relating to those rights.