

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

**CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE**

**IN RELATION TO  
THE OBJECTION AND EVIDENCE OF  
MR HAYWARD**

**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 Hayward.
- 1.2 In particular, Mr Hayward has 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 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 Mr Hayward 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 exchanged between Chiltern Railways and Mr Hayward dated 18 January 2010, 17 March 2010, 23 March 2010, 15 June 2010, 15 July 2010, 26 July 2010, 25 October 2010, 26 October 2010 and 27 October 2010 appended to this rebuttal proof in Appendix A;

*“the Objector”* means Mr Hayward;

*“the Objector’s evidence”* means the proof of evidence of Mr Hayward;

*“the Order application”* means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010; and

*“the proposed Order”* 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 Grange Cottage, Oddington Grange and objects to the acquisition of two parcels of land [Plots 14010 and 14011] that he owns the freehold of.

### *Impacts on Plots 14010 and 14011, Richard Caten*

3.2 The Objector states that Plots 14010 and 14011 account for 10% of his 10 acre field on which the Objector grazes horses and their foals. The Objector states that the land is needed to provide essential grazing for his horses. The Objector states that of the land to be acquired, half is required for a construction compound for the duration of the works which will greatly reduce the area of land available for grazing. The Objector is seeking the erection of a stock fence around the compound which he states would further reduce the amount of land take.

3.3 Mr Hayward owns Grange Cottage and Oddington Grange, which has a total land holding of 68,780 sqm (17 acres), which comprises a residential property with formal garden (3,759 sqm/0.93 acres, being 5.5% of the total land holding), and two separate fields measuring (19,565 sqm/4.8 acres, being 28.5% of the total land holding) and (45,456 sqm/11.2 acres, being 66% of the total land holding) respectively. The extent of this landownership is shown on the plan attached to this rebuttal in Appendix B.

- 3.4 The land contained within the Order has been included for both permanent acquisition and temporary use.
- 3.5 Parcel 14011(1,989 sqm/0.49 acres, about 2.9% of the total land holding) has been included for permanent acquisition. It has been included for embankment works to the railway to ensure the stability of the twin railway track formation. The land included within parcel 14011 is the maximum extent of land that can be acquired. However, through the detailed design process which will be carried out in 2011, it may be the case that a lesser amount of land is actually required to deliver the supporting embankment and any associated future maintenance requirements.
- 3.6 Parcel 14010 (about 2,005 sqm/0.5 acres, about 2.9% of the total land holding) has been included for temporary occupation as a working area, to construct the supporting embankment that will be contained within Parcel 14011 and is not intended to be used as a worksite. Access to Parcel 14010 will be taken from other land included within the Order and will not be taken from land outside the Order limits within Mr Hayward's landownership.

*Impacts of the Closure of Footpath [318/2], Richard Caten*

- 3.7 The Objector states that land is to be permanently acquired, accounting for 5% of his 10 acre field in order to close the existing footpath [FP 318/2]. The Objector states that the footpath should be closed without acquisition of land, leaving the area of their field free for their own use.
- 3.8 Chiltern Railways is acquiring the rights to divert the footpath [FP 318/2] from the Objector's field. Once the rights to divert the footpath have been exercised the land will remain with the Objector for his continued enjoyment. The diversion of the footpath will remove the right of the public across the Objector's field.
- 3.9 The Order, as proposed, provides what is generally considered by landowners to be a benefit, insofar as, footpath FP318/2 will be diverted from crossing Mr Hayward's land to the proposed bridge (Work No 14), which is not situated on Mr Hayward's land.

*Impact of the Construction Works, Stephen Barker and Michael Fraser*

- 3.10 The Objector states that the removal of the hedgerow between the field and the railway will remove the existing noise screening and will increase the stress for the horses due to increased exposure of noise from passing trains. The Objector states that currently the land is a safe and secure area for horses in a stress free environment. The Objector states that the land will be used as a construction access route and that vehicle and construction activity would '*cause irreparable damage with a deposit of debris in the ground as a future equestrian hazard*'.
- 3.11 Construction works, will be carried out in accordance with the Code of Construction Practice, which will be enforced by way of planning condition. The works in this area are for the purposes of embankment construction and are anticipated to take approximately four months in this location. The worksite will be segregated from the remainder of the land by means of enclosure that is suitable for the location such as a fence or hoarding. Upon completion of the works the land will be reinstated to the

reasonable satisfaction of the landowner in accordance with Article 29 of the Draft Order [CD/1.2].

3.12 As noted in the Environmental Statement (ES) [CD/1.16] experience of other projects has been that horses are likely to acclimatise to noise from railways. This has subsequently been reinforced by observations of horses that are near to the existing railway line at Kings Sutton where rail speeds are similar to the highest speeds attained on the Order Scheme. Chiltern Railways investigations has shown that other equestrian facilities operate satisfactorily close to railways.

3.13 The time taken for the noise from a train to rise from a level which could be considered to be “just audible” to its highest level is several seconds, which means that the noise is not suddenly experienced by the listener. It is considered that the noise from trains is not sudden or likely to startle horses. During the acclimatisation period horses will have the option to avoid being close to the railway if they choose to.

3.14 The existing hedgerow will only be removed if absolutely necessary. The use of the land and its subsequent restoration is covered by the Code of Construction Practice [CD/1.24]. Restoration is enforced by Planning Condition 14 of CD/1.12.1. This states:

*“Any land within the Order limits, which is used temporarily for construction shall be restored to its former condition, or such condition as the local planning authority may approve, within one year of completion of the permanent works.”*

3.15 As is the case for all land included within the Order and for those affected by the operation of the railway itself, the compensation code as enacted by the Order will apply and Mr Hayward will be entitled to claim compensation in accordance with that Code.

*Alternative Construction Compound Location, Stephen Barker*

3.16 The Objector suggests that the construction compound should be accommodated in the adjacent field where the new Oddington Road bridge is being constructed.

3.17 No construction compound is proposed on the plots for which the Objector is the freeholder. The construction compound associated with the new bridge associated with the closure of Oddington Level Crossing is to be located on plot 15010.

#### **4 Conclusion**

4.1 This rebuttal responds comprehensively to the evidence presented by the Objector.

4.2 The land contained within the Order has been included for both permanent acquisition and temporary use. The use and size of this acquisition has been clearly described. Furthermore, it has been described that the Order, as proposed, provides what is generally considered by landowners to be a benefit, in that, footpath FP318/2 will be diverted from crossing Mr Hayward’s land.

- 4.3 Regarding construction impacts, it is considered that the noise from trains is not sudden or likely to startle horses and the existing hedgerow will only be removed if absolutely necessary. The use of the land and its subsequent restoration is covered by the Code of Construction Practice [**CD/1.24**], which will be enforced by Planning Condition 15 of **CD/1.12.1**.
- 4.4 Chiltern Railways has confirmed that there is no construction compound proposed on the land for which the Objector is the freeholder.



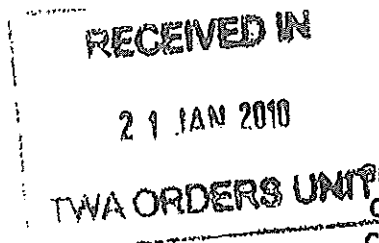
Appendix A

CRCL/R/OBJ1

Relevant Correspondence  
between Chiltern Railways  
and the Objector



The Secretary of State for Transport  
c/o Transport and Works Act Orders Unit  
Department for Transport, Zone 1/31  
Great Minister House  
76 Marsham Street  
London SW1P 4DR



033/1  
Grange Cottage  
Oddington Grange  
Charlton on Otmoor  
Kidlington  
Oxon OX5 2UP

Date: 18/01/10

The Transport and Works Act 1992

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

Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

**NOTICE OF APPLICATION TO ACQUIRE LAND OR RIGHTS IN LAND COMPULSORILY, TO USE  
LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, TO EXTINGUISH  
RIGHTS OVER LAND AND TO IMPOSE RESTRICTIVE COVENANTS**

I refer to the above notice of application and in particular to a sections of the proposed development which seriously affects my very limited freehold land adjacent to the existing railway line upon which I graze horses and their foals.

The sections are referred to as:

- Plan 14010 2005.31 Square Metres Public footpath (FP 318/2), trees, shrubbery, thickets and land, east of Oddington Grange, Oddington, Oxfordshire.  
Plan 14011 1989.46 Square Metres Public Footpath (FP 318/2), trees, shrubbery, thickets and land, east of Oddington Grange, Oddington, Oxfordshire.

I wish to lodge a very strong objection to these plans for the following reasons:

- Plan 1410 The specific field referred to in this plan is in fact already a limited area of freehold amenity land on which I graze quality horses and foals  
This is scarce and precious land and every square metre of it is needed to provide the essential open area for their wellbeing.  
It is a safe and secure area and environmentally ideal in which to accommodate stress free horses and foals.

Acquisition of this parcel of land for what can be described as 'a building site for the duration of the railway development', will seriously reduce the free area remaining, cause emotional upset to the animals and destroy the existing hedgerow which provides a valuable environmental screen for the field and reduced stress to the horses from passing trains  
Also there would be the risk of interference by workers.

In addition, a sound robust and reliable stock fence would be required which would encroach further on my remaining land.

There is no access to this land, except over my property, which I would not permit.

In summary, one cannot afford the luxury of losing valuable and essential

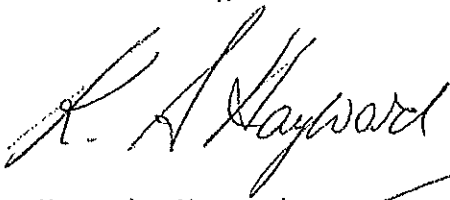
Plan 4011 The existing rarely used public footpath presents no threat to the residence of the horses in this field. Should the proposal for this path to be permanently acquired by the railway, then this too would pose no threat, but, as the plan is currently presented, it suggests a loss of field amenity of 1989.46 square metres.....an unacceptable further loss of precious grazing for valuable horses and foals.

For all the above reasons an objection is lodged for both Plans 4010 and 4011 with the request that alternative areas along the railway line be chosen, to avoid serious disruption to an otherwise peaceful and environmentally acceptable area, ideally suited for the welfare of horses and their foals.

One has no objection to the Railway Development as a whole but one seeks fair consideration for the local environment potentially affected by the above Plans as they presently stand.

A new bridge across the railway is planned to replace the existing nearby open crossing. This bridge is to be situated in the next field to mine, where untold havoc will be caused during its construction, so why not relocate the space currently proposed for my field to be alongside the bridge activity?

Yours sincerely,

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

Kenneth A Hayward

Our Ref: PC/P3.130.2/EG3/001

Mr K Hayward and Mrs J Hayward  
Grange Cottage  
Oddington Grange  
Charlton on Ottmoor  
Kidlington  
Oxon  
OX5 2UP

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

17<sup>th</sup> March 2010

Dear Mr and Mrs Hayward,

### **CHILTERN EVERGREEN 3 – OBJECTIONS NUMBER 1 AND 2**

I refer to you objections, both dated 18/1/01. In recognition of your objections, I have discussed your concerns with Chiltern Railways Engineering Team.

The powers sought are essential for the project. Due to the age of the railway alignment, it must be fully restored to ensure its safety. In various places along the route land must be acquired to allow for the embankments to be re-built or used temporarily for it to be improved, dependant upon local conditions. This is the reason for including your land within Order powers. Therefore, the working site needed for the nearby bridge cannot be used for this purpose, as you have suggested in your objections.

However, my discussions have lead me to consider that Chiltern may be able to agree to certain things which will help to mitigate the effects of the works on your property. If these will be of help I am happy to recommend to Chiltern that it enters into agreements with you to bind its self to the following:

#### **Land Acquisition**

Ongoing ground investigations are showing that the embankment in the vicinity of your property may not need to be re-built. If it does not need to be re-built, land will not need to

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be acquired to allow it to be widened. Chiltern could then agree to not operate its powers to permanently acquire your land.

### **Amount of Land Used**

Land would still need to be used temporarily adjacent to the railway, to allow access to be able to restore the embankment. As Chiltern is applying for powers to use both plots 14010 and 14011, it is possible that the total area used can be limited. The final extent will be dependant upon final detailed design, so Chiltern could put its self under an obligation to use reasonable endeavours to minimise the amount and duration of use of your land. This would normally be settled by arbitration as in the draft Order, in the event of a dispute that Chiltern has not complied with this obligation – it would not be toothless.

### **Site Hoarding**

You mention the emotional upset of the works on your horses. I would imagine that this would be reduced if the working site used was hoarded with plywood sheeting? It is recognised in the Environmental Statement that such hoarding will be erected in appropriate situations to provide environmental mitigation in terms of noise and appearance. It could be agreed that this would be one such situation where this type of hoarding was appropriate.

However, it would be worthwhile leaving this open to an extent as if the land would only be used intermittently for short periods, it might be better to leave the land un-hoarded. This will be determined by the final works method. An agreement could probably be worded that it will be hoarded if you require, based upon final consultation on the methods proposed.

### **Lineside Vegetation**

The Environment Statement already gives the assurance that lineside vegetation will not be unnecessarily removed. Any such obligation in the Environmental Statement is legally binding on Chiltern.

Please let me have your views on the above. I am happy to recommend an agreement on this basis to Chiltern if this would help to reduce or remove your objection. I look forward to hearing from you further

Yours sincerely,

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

**Paul Clarke**  
**Associate Director**

cc Charlene Baker ERM

Grange Cottage  
Oddington Grange  
Charlton on Otmoor  
Kidlington  
Oxon OX5 2UP

Date: 23rd March 2010

Ardent Management Ltd  
PO Box 3050 Wokingham  
Berkshire RG40 3YD

Attn: Mr Paul Clarke Associate Director Ref: PC/PC3.130.2/EG3/001

Dear Mr Clarke

**APPLICATION FOR THE PROPOSED CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS)  
CHILTERN EVERGREEN 3 OBJECTIONS NUMBER 1 AND 2**

We thank you for your letter of 17<sup>th</sup> March, reference as above, and we assume you are acting on behalf of Chiltern Railways and hence your comments concerning our objections.

Frankly we are confused by your remarks in the letter under "Land Acquisition" in particular to the land running adjacent to the railway line, which was originally proposed as 'a loan for the duration of the development' under Plan 14010 and now referred to as 'acquisition'. Only Plan 14011 mentioned 'acquisition' of the land over which an existing footpath travels. We can expand upon these points in the dialogue that follows.

Plan 14010

This plan clearly attempts to loan the land for the duration of the development and you now raise the possibility that 'if the embankment does not need to be rebuilt then the land would not be acquired to allow it to widened 'and Chiltern could agree to not operate its powers to permanently acquire our land. This infers acquisition should rebuild be necessary  
If the need to rebuild the embankment in the area of our field is in question, then why cannot Chiltern make up their mind having examined the situation now...so we then all know what we are talking about and hopefully save a great deal of time debating an hypothetical situation.  
If no work is needed then Plan 14010 can disappear.

If work is needed, then how can Chiltern protect the line side vegetation.....come see for yourself....for we believe that an assurance to be given by Chiltern in this specific location would be a 'pure fantasy' for the purposes of the Planning Approval Authority , unless it would be intended to restore/make good the damaged vegetation on completion.

As to the reference to 'Site Hoarding' in your letter, we cannot accept the provision of environmentally unsightly plywood sheeting. In fact this would be an increased upset to our horses, hearing noises yet not seeing the cause of a disturbance and quite possibly kicking through the material in fright and possibly damaging them, with potential liability to Chiltern.

No.....if after a prolonged objection to Plan 14010 it is regrettably overruled by the Investigating Authority, then the only acceptable barrier between the building works and the grazing horses would have to be two professional constructed stock proof fences, running parallel to each other, the whole length of the field ,six feet apart to avoid interference from either side.

Also please remember an additional barrier needs to be erected to safeguard the protected species of crested newts on our property!

Furthermore, unless Chiltern can absolutely guarantee to return the field on completion of the loan, to its original state totally free of injurious materials and substances to the horses, then the land should be acquired at the outset, at a mutually agreed price.

### Plan 14011

As stated in our original objection, we have no argument with the closing of the existing public footpath...BUT WHY MUST WE LOSE THE ACTUAL LAND THROUGH AQUISITION....as stated in the plan?

Is there a subtle suggestion in Chilterns proposal to purchase this land in order to gain access to our field, via acquisition of land in an adjacent field not owned by us? Otherwise why else would Chiltern need to acquire the pathway land?

Such an attempt would be totally unacceptable to us for all the reasons of our original objection, namely loss of valuable grazing land and the need for double stock proof fencing as described above.

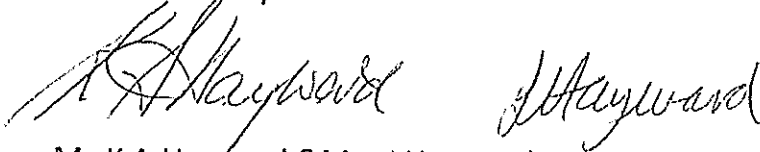
Would you please clarify Chilterns intentions?

In summary, our original objections still stand, and are now amplified in response to your letter of the 17<sup>th</sup> March.

If the adjacent rail line embankment is not to be rebuilt then Plan 14010 is irrelevant and early confirmation of this by Chiltern would resolve this issue and save a lot of fruitless debate. Otherwise protection of the land is needed as described above, be it a loan or an acquisition.

Equally if Chiltern, having closed the footpath, is not seeking to access our field via an adjacent property owner, then Plan 14011 can be amended to merely state the closure of the footpath without acquisition.

Yours sincerely

Handwritten signatures of Mr K A Hayward and Mrs J Hayward. The signature of Mr K A Hayward is on the left and the signature of Mrs J Hayward is on the right.

Mr K A Hayward & Mrs J Hayward

Cc Ms Charlene Baker   ERM  
Ms Angela Foster    Dept for Transport T&W Act Orders Unit, Zone 1/31

Our Ref: PC/PC3.130.2/RG3/002

Mr and Mrs K A Hayward  
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15<sup>th</sup> June 2010

Dear Mr and Mrs Hayward,

### **CHILTERN EVERGREEN 3 – OBJECTIONS NUMBERS 1 AND 2**

I refer to your letter dated 23<sup>rd</sup> march 2010, my apologies for the delay in replying to you.

To clarify the powers sought are:

- Plot 14011 – this is in Limits of Deviation. This is the power to acquire in total or any rights over it, or the ability to use it temporarily.
- Plot 14010 – temporary use powers only are being sought.

#### **Plot 14010**

In my comments under Land Acquisition I was only referring to the plot where such powers are sought.

For schemes of this nature detailed site investigations and design cannot be carried out until powers are gained, as until then Promoters do not know what land they have to be able to design within. This will not be before early 2011. Consequently, land cannot be taken out of land use and acquisition powers until those final steps have been completed.

The assurance in the Environmental Statement is that vegetation will not be unnecessarily removed, not that it will not be removed at all. As this was a twin track railway line in the

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past there is likely to be enough room to add the second track where required without clearing the entire line. Again, until detailed design is completed the full extent cannot be determined, but it has to be within the assurance given.

The Site Hording referred to is only to be erected temporarily for the continuance of the works. Other horse owners along this line have stated that they would prefer to see solid sheeting as what horses can see can scare them as well. The Hording is also designed to reduce the noise from any works. Chiltern could not agree to the erection of two fences during the works. The line is continually subject to works at all times, as any railway line is. This precaution has not been put in place as an ongoing permanent measure. This would also use significantly more land than having a single fence, which from what you have said in your objection would also not be acceptable. No other horse owners have claimed that this is necessary.

Will you please let me know what type of fencing you consider to be appropriate. I notice that the British Horse Society sets out what it considers to be suitable types of fencing on its website.

The Crested Newts will be protected under the terms of the licence gained for the works.

Land used temporarily must be returned to the owner as provided for in Article 29, as is set out in full below, the relevant part is underlined:

**Temporary use of land for construction of works**

**29.—**(1) The Company may, in connection with the carrying out of the authorised works—

(a) enter upon and take temporary possession of—

(i) the land specified in columns (1) and (2) of Schedule 11 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works (or any of those works) specified in column (4) of that Schedule; and

(ii) any other land within the Order limits in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;

(b) remove any buildings and vegetation from that land;

(c) construct temporary works (including the provision of means of access) and buildings on that land; and

(d) construct any permanent works specified in relation to that land in column (3) of Schedule 11 or any other permanent mitigation works.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the Company shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The Company may not, without the agreement of the owners of the land, remain in possession of any land under this article —

(a) in the case of land specified in columns (1) and (2) of Schedule 11, after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 11; or

(b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the Company has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declaration) Act 1981.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company shall not be required to replace a building removed under this article.

(5) The Company shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Without prejudice to article 55 (no double recovery), nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) The powers of compulsory acquisition of land conferred by this Order shall not apply in relation to the land referred to in paragraph (1)(a)(i) except that the Company shall not be precluded from acquiring new rights over any part of that land under article 25 (power to acquire new rights).

(9) Where the Company takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 23(1) (application of Part 1 of the Compulsory Purchase Act 1965).

This is the standard wording of the temporary use power, which gives you a good degree of control over how land is handed back to you. An absolute guarantee can never be given in such matters.

**Plot 14011**

Plot 14011 will only be acquired if it is required for the works. As set out in my original letter this is highly unlikely, but as set out above, we cannot be definitive at this stage. The land would not be required for closure of the footpath; the land is included within powers for the embankment works, if required.

The remainder of the footpath is required to be shown on the plans as it is subject to powers for its closure, not acquisition powers.

I look forward to hearing from you further in respect of fencing. Please let me know if you need any further clarification of the powers sought.

Yours sincerely,



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

cc C Baker ERM

Grange Cottage  
Oddington Grange  
Charlton on Otmoor  
Kidlington  
Oxon OX5 2UP

Date: 15<sup>th</sup> July 2010

Ardent Management Ltd  
P.O Box 3050  
Wokingham  
Berkshire RG40 3YD  
For the attention of Mr Paul Clarke Associate Director

Ref: PC/PC3.130.2/RG3/002

Dear Mr Clarke

**CHILTERN EVERGREEN 3 – OBJECTIONS NUMBERS 1 and 2**

We refer to your letter dated 15<sup>th</sup> June 2010 and in response we offer our comments.

Having studied the collective correspondence between us, we do not believe that any progress is being made to resolve the situation that concerns us.

Frankly the potential disturbance to our property is not welcome, especially since we believe it to be unnecessary when there are more suitable adjacent areas which would serve Chilterns needs.

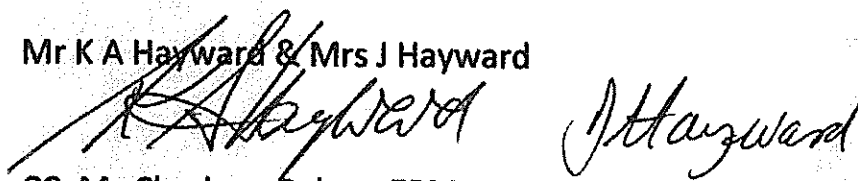
A defence of the Chiltern position continues, which in our view, is without sound justification for Plot 14010 and there seems to be an inability to answer our request to learn the underlying reason to potentially acquire land as Plot 14011, leaving us to suspect it is for access to Plot 14010.

Both plot proposals are pure speculation at this stage without a full study of true requirement, whilst awaiting the investigation by the Dept for Transport. Therefore in our view we have an 'impasse' and further correspondence would be wasting each other's time.

We believe it would be best to await discussion and learn the outcome at the Government Investigation, whence a formal appeal in support of our case could be made to the relevant authority, should this be necessary.

Yours sincerely,

Mr K A Hayward & Mrs J Hayward



CC: Ms Charlene Baker ERM

Ms Angela Foster Dept for Transport T&W Act Orders Unit, Zone 1/31

05/1&2



Our Ref: PC/P3.130.2.1/EG3/001  
Your Ref:

Mr and Mrs Hayward  
Grange Cottage  
Oddington Grange  
Charlton on Otmoor  
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26<sup>th</sup> July 2010

Dear Mr and Mrs Hayward,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order  
Objection number 1& 2**

I refer to your letter dated 15<sup>th</sup> July.

As I have explained in previous letters, plot 14011 is required for embankment strengthening works and plot 14010 is required temporarily for access to carry out that work, not the other way around as you suspect. It will not be known if this work is actually acquired until detailed site investigations have been carried out and detailed design has been completed. As this is an operational railway excavations cannot be carried out to undertake the site investigations until its use has ceased. This is why land that is potentially needed is always included within Order power applications, which may not actually be used or acquired.

The offers of an agreement to minimise Chilterns use of your land remain, please let me know if you would like to enter into this agreement.

Yours sincerely,

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

cc C Baker ERM

Grange Cottage  
Oddington Grange  
Charlton on Otmoor  
Kidlington  
Oxon OX5 2UP

Date: 25<sup>th</sup> October 2010

Department for Transport  
Transport and Works Act Orders Unit  
Zone 1/31  
Great Minster House  
76 Marsham Street  
London SW1P 4DR

For the attention of Ms Angela Foster Your Ref TWA/10/APP/01/OBJ/1

Dear Ms Foster

**Transport and Works Act 1992(TWA)  
Application for the proposed Chiltern Railways (Bicester to Oxford Improvements) Order**

Reviewing all the documentation concerning the above application before next Tuesday's Inquiry, I believe I have discovered an error in the enclosure to the Chiltern Railway Company Ltd Notice 15, dated 6<sup>th</sup> January 2010.

The enclosure, prepared by 'Ardent' seems to have shown the **same highlight** on the map for **both** Plan 14010 and 14011.

Plan 14010 refers to a public footpath across my field which runs at a tangent away from the railway line, whereas the map enclosure shows a highlighted area, running parallel to the rail line and this is really relevant to Plan 14011.

Plan 14011 correctly shows a highlighted area.

If I am correct then an amendment needs to be effected before the Inquiry to avoid confusion at the meeting next Tuesday 5<sup>th</sup> November.

Could you please raise this subject with the relevant authority.

Apology for this late notice.

Thank you,

Yours sincerely,

K A Hayward

OBJ/1

**Nicola Finlay**

---

**From:** Charlene Baker  
**Sent:** 27 October 2010 18:07  
**To:** Nicola Finlay  
**Subject:** FW: Chiltern Railways - OBJ/1 - KA Hayward  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** LettertoTWAdated25thOctober2010.docx

Filing/printing

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---

**From:** Peto, Monica [<mailto:MonicaPeto@eversheds.com>]  
**Sent:** 27 October 2010 17:21  
**To:** Charlene Baker  
**Cc:** O'Connor, James  
**Subject:** FW: Chiltern Railways - OBJ/1 - KA Hayward

FYI

---

**From:** Sanderson, Kevin  
**Sent:** 27 October 2010 16:59  
**To:** [Progofficer@aol.com](mailto:Progofficer@aol.com)  
**Cc:** [ken\\_hayward\\_70@hotmail.com](mailto:ken_hayward_70@hotmail.com); Angela Foster; Peto, Monica  
**Subject:** FW: Chiltern Railways - OBJ/1 - KA Hayward

Helen,

We have considered Mr Hayward's letter of 25 October to the Department for Transport and can confirm that the information on the deposited plans and in the Book of reference are correct and that the plans accompanying the Chiltern Railway Company Notice No.15 dated 6 January are also correct.

We think that Mr Hayward may be confused because of the different powers to be sought over the parcels of land numbered 14010 and 14011. Parcel no.

28/10/2010

14010 is land to be acquired or used temporarily as a working site and access and is highlighted in green. Parcel no. 14011 is land within the limits of deviation to be permanently acquired for the purpose of Work No.2 (the railway) and is highlighted in pink. Footpath FP318/2 runs perpendicularly through both parcels of land and is shown as a purple line.

Part of footpath FP318/2 and Yew Tree Farm Crossing will be stopped up from the south side of the railway through to the north side and then across his field (of which parcels 14010 and 14011 form part) from point F21 on sheet 14 to point F24 on sheet 13a as shown on the deposited plans. The removal of the footpath through Mr Hayward's land must be of benefit to him.

The new footpath to be substituted (shown by a broken purple line) will run through parcels 14007, 14009, 14016, and over the proposed road bridge (Work No. 14) through parcels 14015, 14017, 14013 to parcel 14014 where it will join up with the road/footpath network shown on sheet 13a of the deposited plans.

Regards,

Kevin.

Kevin Sanderson  
Senior Parliamentary Clerk

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Mob +44 7920 703 086  
Fax 0845 497 4919  
[www.eversheds.com](http://www.eversheds.com)

**Please consider the environment before printing this email**

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**From:** Progofficer@aol.com [mailto:Progofficer@aol.com]

**Sent:** 26 October 2010 15:59

**To:** Sanderson, Kevin

**Subject:** Fwd: Chiltern Railways

Kevin

The Inspector has asked if I can be provided with a copy of any response from Chiltern to Mr Haywood.

Regards

Helen

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\*\*\*\*\* This e-mail is sent for and on behalf of Eversheds LLP  
\*\*\*\*\*

**Innovation in Client Service** - *Financial Times Innovative Lawyers Awards*  
*2009 Awards*

28/10/2010

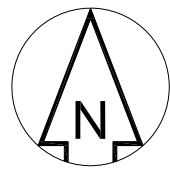
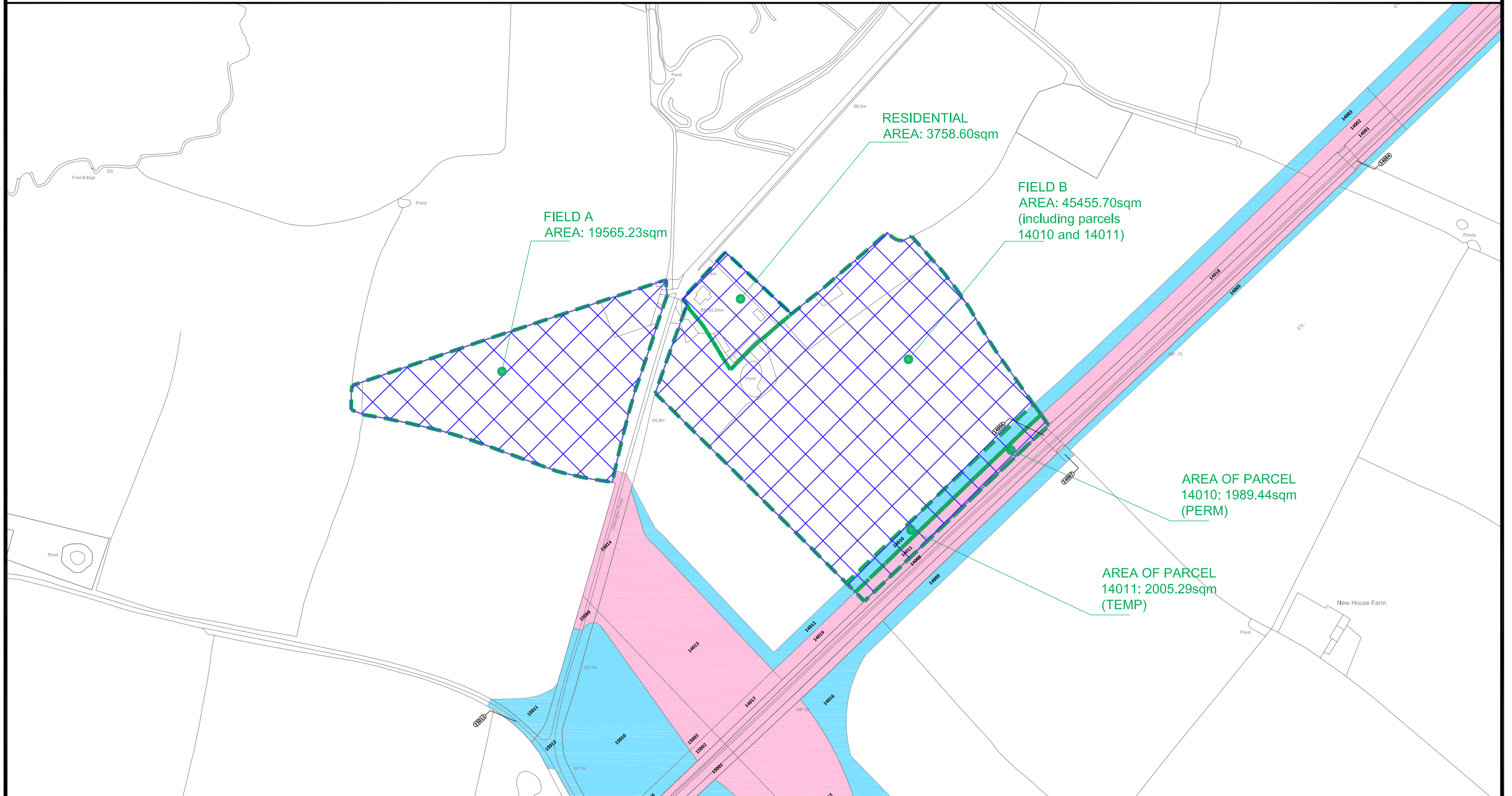
Appendix B

CRCL/R/OBJ1

Plan showing Parcels from  
13, 14 and 15 of Deposited  
Plans and Sections



# Kenneth & Jacqueline Hayward - OBJ 1 & 2



**TITLE:**  
 Transport and Works Act 1992  
 Chiltern Railways (Bicester to Oxford Improvements) Order  
 Parcels from Sheet Nos. 13, 14 and 15 of Deposited Plans and Sections

**KEY:**

- Limits of Deviation
- Limits of Land to be Acquired or Used
- Objectors Land

**Chiltern Railways**

Date: 03/11/10  
 Ref: U:\CGD\Chiltern\Objectors Plans  
 Plan No: OBJ 1 & 2 Rev

NOT TO SCALE

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