

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

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

IN RELATION TO

THE OBJECTION AND EVIDENCE OF

THE TRUSTEES OF A DEELEY AND I H G CALCUTT

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 The Trustees of A Deeley and IHG Calcutt.
- 1.2 In particular, The Trustees of A Deeley and IHG Calcutt 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 The Trustees of A Deeley and IHG Calcutt 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 The Trustees of A Deeley and IHG Calcutt dated 17 February 2010, 10 March

2010, 28 April 2010, 16 June 2010, 5 July 2010, 10 August 2010, and 2 November 2010, appended to this rebuttal proof in Appendix A;

<i>“the Objector”</i>	means The Trustees of A Deeley and IHG Calcutt;
<i>“the Objector’s evidence”</i>	means the Proof of Evidence of The Trustees of A Deeley and IHG Calcutt;
<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 Railways Rebuttal of the Objector’s Evidence

Context

- 3.1 The proof of evidence is prepared by written by Carter Jonas, on behalf of the Trustees of A Deeley and the Trustees of IHG Calcutt. The Objector states that the Trustees own land and residential property at Alchester Terrace adjacent to the B4100 London Road crossing of the railway to the south of Bicester town centre together with land to the south east of the railway between Merton and Wendlebury and part of the access road linking Holts Farm to Charlton-on-Otmoor. The Trustees also benefit from rights of way linking into Langford Lane to the north east of Wendlebury.

Existing and Proposed Levels of Passenger and Freight Services, Allan Dare

- 3.2 The Objector sets out the existing railway traffic levels noting that the current First Great Western timetable shows 11 passenger services each way between the hours of 06:16 and 23:40 Monday to Thursday with an additional service in each direction on Fridays. Saturdays see 13 services each way between 07:25 and 23:00 with nine services each way between 09:55 and 22:03 on Sundays. The Objector states that none of the services, however, currently cross the B4100, as traffic on this section is restricted to freight.
- 3.3 The Objector refers to the Chiltern Railways Statement of Case [CD/1.27] that quotes two to five freight trains using the line each way on weekdays with the Order Scheme. The Objector provides anecdotal evidence from the Trustees states that the Oxford services do not pass Alchester Terrace, the MOD traffic is sporadic and the waste terminal traffic appears to run on a daily basis.
- 3.4 The Objector states that that freight trains are shown to run for 24 hours per day but their paths are limited. The Objector states that the passenger service over the line during the hours 06:00 to midnight would suggest an increased likelihood of freight traffic between midnight and 06:00. The notes that the noise and vibration assessment in the Environmental Statement (ES) [CD/1.16] states a proposed passenger service between 05:30 and 01:00, with a reduced service between the

hours of 05:30 to 06:00 and 21:00 to 01:00. The Objector states that Chiltern Railways' Statement of Case [CD/1.27] shows:

- passenger services between 06:00 and midnight, with empty stock movements before and after';
- passenger trains following Phase 1 would consist of two Chiltern trains per hour in each direction running at up to 100 miles per hour;
- freight levels would remain consistent with current workings but with speeds increasing to up to 60 miles per hour; and
- should Phase 2 go ahead a further two trains per hour in each direction are anticipated for the East West Railway with one Cross Country working each way per hour and additional freight workings.

3.5 The Objector states that further services are presumably anticipated as the Statement of Case [CD/1.27] states that the Chiltern Railways line will provide an alternative route during major engineering works in the Thames Valley over the next decade. The Objector states that no figures are quoted in any of Chiltern Railways documentation to take account of this additional traffic.

3.6 The Objector's statement in regard to the existing First Great Western passenger services is correct, and is accordance with Allan Dare's poof of evidence [CRCL/P/2/A, Table 1].

3.7 Allan Dare's evidence also sets out the present level of freight services (paragraph 3.3.2). The Table 1 of this rebuttal sets out the planned and actual frequency of train services passing Alchester Terrace.

Table 1: Freight Train Services and Frequency of Passing Alchester Terrace

Train (reporting number and terminal)	Planned Frequency	Actual Operation #	Does the Train Pass Alchester Terrace?
4M60 to Calvert waste terminal	1 a day, Mon-Sat	46%	Yes
4V60 from Calvert waste terminal	1 a day, Mon-Sat	46%	Yes
6M49 from Calvert waste terminal	1 a day, Mon-Fri	27%	Yes
6A49 to Bicester MoD	1 a day, Mon-Fri	88%	No
6A48 from Bicester MoD	1 a day, Mon-Fri	88%	No
6A14 to Banbury Road stone terminal	1 a day, Mon-Fri	10%	No
6A14 to Banbury Road stone terminal	1 a day, Mon-Fri	10%	No
Note #: Actual days run expressed as a percentage of planned days, based on analysis of			

- 3.8 The proposed train frequencies in Phases 1/2A and 2B are set out in Table 3 of Allan Dare's evidence [CRCL/P/2/A].
- 3.9 It is possible that the Bicester to Oxford line could be used a diversionary route during engineering works on other parts of the network, and the line has been used for such in recent years. However, in the main it is anticipated that passengers will transfer to/from the proposed Chiltern Railways services at Oxford station, rather than divert additional trains over the line.

Train Speeds, Stephen Barker

- 3.10 The Objector states that the Order Scheme will see the doubling of the railway on an existing formation with speeds increasing from a blanket 40 mph to 100 mph for passenger trains and 60 mph for freight trains. The Objector states that speeds over the B4100 will be restricted to 50 mph for all traffic.
- 3.11 The correct position is that the Order Scheme will see the doubling of the railway on an existing formation with speeds increasing from up to 40 mph to up to 100 mph for passenger trains and up to 60 mph for freight trains. Speeds over the B4100 (ie. Bicester London Road level crossing) will be restricted to 50 mph for all traffic.

Noise Impacts, Michael Fraser

- 3.12 The Objector states that Chiltern Railways' Noise and Vibration Assessment shows the threshold for significant impact of noise on residential properties to be 70 dB during the day and 45 dB at night relevant to ambient levels. The Objector states that, in the assessment, the figures shown for the properties on London Road, to Alchester Terrace show a baseline level of 51 dB during the day and 49 dB at night, with predicted train noise levels of 62 dB and 60 dB. The Objector states that the resultant change in daytime levels is 11 dB and 12 dB at night with predicted impact being shown as 'high'.
- 3.13 The Objector states that it is relevant that planning levels for new houses impose conditions for noise protection of 45-59 dB at night. The Objector states that the noise changes are shown as 0-3 dB being slight, 3-5 dB being moderate and 5-1 dB being substantial.
- 3.14 The Objector states that the Environmental Statement [CD/1.16] shows potential noise mitigation being put into place adjacent to Alchester Terrace as part of Phase 2. The Objector suggests that if noise mitigation measures are to be provided for Phase 2 then they should be provided for Phase 1, given the difference in the number of trains is only three passenger trains.
- 3.15 The Objector states that the Environmental Statement reports that only six buildings are likely to be eligible for noise insulation though it may be offered to other properties. The Objector states that that despite being immediately adjacent to the running line, the properties at Alchester Terrace are not listed as being eligible for

noise insulation. The Objector states that a proposed 100 metre noise barrier to be erected as part of Phase 2 adjacent to Alchester Terrace will leave increases of noise levels of 7dB (a substantial increase) on upper floors.

- 3.16 The Objector states that the Bicester Town station construction is likely to take up to 12 months of which five months consist of foundation works and impacts are predicted at Alchester Terrace with a figure of 74 dB being quoted by Chiltern Railways. The Objector states that this exceeds the 70 dB 'acceptable' limit by 4 dB.
- 3.17 The standards referred to by the Objector of 70 dB during the day and 45 dB at night refer to construction noise, and not operational noise, which the Objector then goes on to discuss above. However, the Objector's summary of the existing and predicted levels (without mitigation) is correct for the situation when Phase 2 has been implemented, and an impact of "high" is predicted at the closest houses in London Road as published in the Environmental Statement [CD/1.16]. This is based on the unmitigated representative receptor R5 shown in Figure 6.1B of Volume 3 of the ES [CD/1.17]. This receptor is on the opposite side of the railway to Alchester Terrace. Given that the properties are similar distances from the railway, similar levels will result at Alchester Terrace. Whilst this would not result in the buildings qualifying for statutory noise insulation, at this level of impact the Chiltern Railways Noise and Vibration Mitigation Policy [CD/1.29] states that non-statutory noise insulation (in the form of glazing and ventilation) would be provided (as is noted on page 6-59 of the ES [CD/1.16]). This would result in satisfactory noise conditions inside the buildings. The objector's claim that noise insulation will not be provided is therefore not true.
- 3.18 Since the ES was published further noise modelling has been undertaken including specific predictions and assessment at Alchester Terrace. The unmitigated impacts are not significantly different to those in the ES, and it remains the intention that non-statutory noise insulation will be provided.
- 3.19 The option of providing a noise barrier might also be considered during detailed design, but as noted in the ES the visual effects were likely to make a barrier in this location unacceptable as noted in Table 6.23 on page 6-55 of the ES [CD/1.16]. The Objector's opinion and that of the local planning authority will be taken into account when determining the final design of the mitigation. However, if a 2 m barrier is provided then the predictions suggest that an impact would be a 10 dB change in noise at night and a 3 dB impact during the day. Given this level of impact, and since the Noise and Vibration Mitigation Policy (paragraph 2.7 in CD/1.29) will provide insulation at "high" impacts (ie greater than +10 dB), noise insulation would not be provided.
- 3.20 Predictions have been carried out for Phase 1 of the Scheme in the ES, and the results showed that unmitigated levels at receptor 5 are 4 dB, and therefore, whilst mitigation at source through rail infrastructure solutions will be implemented where reasonably practicable, barriers or insulation would not be provided under the Noise and Vibration Mitigation Policy (see page 5 of CD/1.29).
- 3.21 The Objector is not correct in claiming that the exceedance of the daytime construction criterion that is reported in Table 6.9 on page 6-25 of the ES [CD/1.16] relates to the construction of the main station works. It is clearly shown that the

figures appear under the title of Road/Carpark Construction works, and reflect the works that would take place relating to the access road for Bicester Station, which take less time than the main station works that are discussed by the Objector. However, these impacts are without mitigation, and with standard mitigation measures the residual effects were reported on page 6-45 of the ES, which confirm that no significant impacts have been predicted as a result of station construction or road works associated with the construction of stations.

- 3.22 Condition 15 of the draft planning conditions [**CD/1.12/1**] ensures that “*No development shall commence until a Code of Construction Practice, which shall cover all matters specified in the Draft Code of Construction Practice, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency*”. This will ensure that residents and amenity are protected during construction.

Visual Impacts, Ian Gilder

- 3.23 The Objector states that it is anticipated there will be a moderate adverse visual impact on properties on Alchester Terrace from the works.
- 3.24 As stated in the ES Volume 2 [**CD/1.16**] the significance of impacts is assessed to be ‘moderate’ adverse as there is loss of the grassed open space which will be the main visible change in the area diagonally opposite Alchester Terrace. However, it has to be borne in mind that the existing green space is poorly maintained and scrubby. In fact as stated within the ES there would be beneficial visual impacts due to refurbishment works specifically the proposed planting at the car park and pavings.

Air Quality Impacts, Ian Gilder

- 3.25 The Objector states that the increased standing traffic will lead to poor air quality for the inhabitants of Alchester Terrace.
- 3.26 As stated in paragraph 10.2 of Ian Gilder’s proof of evidence [**CRCL/P/12/A**] the conclusion of the Environmental Statement is that pollutant concentrations at residential properties closest to the railway will not experience significant air quality impacts from either rail movements or idling trains. The conclusion in Section 13.4.4 of the ES Volume 2 [**CD/1.16**] is that emissions from freight and passenger rail sources will not have a significant impact on residential properties, even those in close proximity to the railway after completion of Phase 2 of the Order Scheme.

Traffic Impacts on the Closure of the London Road Level Crossing, Paul Tregear

- 3.27 The Objector refers to Chiltern Railways’ Statement of Case [**CD/1.27**] which states that the increased closure of the London Road crossing will only affect journeys when the crossing is closed. The Objector states that by a conservative estimate of two minutes of closure per train, the Phase 1 services will lead to eight minutes of extra closure time and Phase 2 will increase this to twenty minutes, ignoring any additional freight traffic. The Objector states that the increased standing traffic will lead to poor access for the inhabitants of Alchester Terrace.

- 3.28 Paul Tregear deals with the impact of the London Road level crossing on road traffic in his evidence at paragraphs 6.30-6.38 [**CRCL/P/8/A**] and the assessment work is reported in detail in [**CD/2.24**].
- 3.29 In summary, there will be a slight effect on access and journey times for traffic to/from Alchester Terrace, the same as for all traffic travelling through the network when the London Road level crossing closes. At other times, journey times throughout the network would be similar or only marginally longer than the baseline. Furthermore, traffic travelling southbound from Alchester Terrace will be able to exit unimpeded when the level crossing is closed. At 2016, for example [Appendix K, **CD/2.24**], modelled journey times of traffic travelling along the modelled London Road corridor in the AM peak hour increase by approximately 80-100 seconds southbound and 70-90 seconds northbound with a two minute closure of the level crossing. The assessment also included, as a sensitivity test, a three minute closure of the London Road level crossing which would increase journey times by approximately 100-150 seconds southbound and 70-150 seconds northbound. Chiltern Railways has undertaken detailed traffic studies to test the impacts of more frequent closures of this crossing and these demonstrate that there will only be modest delays for road users.

Impact on Access, Richard Caten

- 3.30 The Objector states that the closure of Langford Lane and Holts Farm crossings will lead to increased journey times for the Trustees. The Objector states the opposition of the Trustees to the use of Mansmoor Road to access the revised Holts Farm crossing.
- 3.31 The diversion of Langford Lane would lead to an additional journey of 1.86 kilometres from Bicester to the Objector's fields if accessed from the bridleway BR 295/4 via the diversion of Langford Lane. This based on indicative journeys as shown in Figures **OBJ194/1/A** and **OBJ194/1/B** in Appendix B.
- 3.32 However, Chiltern Railways understands that these fields are farmed as part of a larger farming unit which is accessed directly from Merton Road from the existing bridleway, so it is not clear to Chiltern Railways why and how the diversion of Langford Lane will affect the Objectors' farming operations in this location.
- 3.33 The new alignment of the Holts Farm bridge and the access rights that would be granted through the TWA Order would only lead to granting access to one more user along Mansmoor Road. Chiltern Railways is not aware of any rights the Objector has over the railway. Chiltern Railways does not consider, therefore, that the Objector would be inconvenienced by the new alignment of the Holts Farm crossing.

Suggested Alternative Route, Stephen Barker

- 3.34 The Objector promotes an alternative route for the Langford Lane diversion to the east of the railway as shown on the plan attached as Appendix 3 to his proof of evidence. The Objector states that he understands that other land owners have supported this route.

- 3.35 The Objector states that its original letter of objection and its Statement of Case [OBJ194/1] outlined an alternative route for the provision of maintenance and accommodation access and temporary access to Works No 2 and 12 as being from the new Langford Lane bridge at Elm Tree Farm rather than across the Trustees land.
- 3.36 The Objector states that the Trustees oppose the use of Mansmoor Lane as access to a new bridge at Holts Farm. The Objector states his understanding that an alternative route has been put forward for access to the land to the west of the railway via a new road adjacent to the M40 motorway and state that the Trustees support this submission.
- 3.37 In respect of the diversion of Langford Lane, the chosen route necessarily balances a number of conflicting factors including impacts on the Alchester Roman Town Scheduled Ancient Monument, impacts on and of flooding and the additional length of the diversionary route over that of the existing route.
- 3.38 The alternative means of access to Work No. 12 proposed is only marginally shorter than the route proposed in the Order Scheme. It also crosses a number of watercourses (albeit watercourses that are smaller than those crossed by the Order Scheme proposal).
- 3.39 The proposals in respect of the Holts Farm bridge will not alter the way in which Mansmoor Lane is used. No additional use of the lane will occur as a result of the construction of the bridge. The alternative route proposed by the landowners was considered in depth. However, it presented a number of practical difficulties, not least in relation to necessary land take from one corner of the Wendlebury Meads and Mansmoor Closes SSSI and would have been disproportionately more costly than the Order Scheme.

4 Conclusion

- 4.1 This rebuttal responds comprehensively to the evidence presented by the Objector.
- 4.2 Allan Dare's evidence also sets out the present level of freight services (paragraph 3.3.2) and the proposed train frequencies in Phases 1/2A and 2B (Table 3 of Allan Dare's evidence [CRCL/P/2/A]).
- 4.3 The particular concerns raised about noise mitigation have been addressed. Chiltern Railways has adopted an effective Noise and Vibration Policy for delivery of noise mitigation for Phases 1 and 2 [CD/1.29] implemented through planning condition 16 [CD/1.12/1] and will comply with the Code of Construction Practice that is implemented through planning condition 15 [CD/1.12/1].
- 4.4 Regarding visual impact, the ES there would be beneficial visual impacts due to refurbishment works specifically the proposed planting at the car park and pavings. On the subject of Air Quality, the ES concluded in Section 13.4.4 of the ES Volume 2 [CD/1.16] is that emissions from freight and passenger rail sources will not have a significant impact on residential properties, even those in close proximity to the railway after completion of Phase 2 of the Order Scheme.

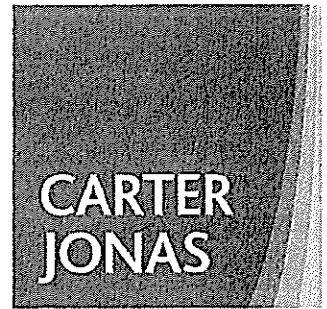
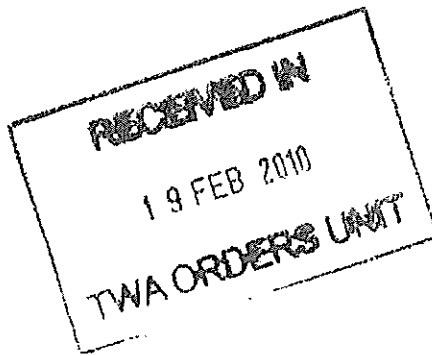
- 4.5 In summary, there will be a slight effect on access and journey times for traffic to/from Alchester Terrace, the same as for all traffic travelling through the network when the London Road level crossing closes. At other times, journey times throughout the network would be similar or only marginally longer than the baseline.
- 4.6 The new alignment of the Holts Farm bridge and the access rights that would be granted through the TWA Order would only lead to granting access to one more user along Mansmoor Road. Chiltern Railways does not consider, therefore, that the Objector would be inconvenienced by the new alignment of the Holts Farm crossing.
- 4.7 The alternative route proposed by the Objector was considered in depth. However, it presented a number of practical difficulties, not least in relation to necessary land take from one corner of the Wendlebury Meads and Mansmoor Closes SSSI and would have been disproportionately more costly than the Order Scheme.

Appendix A

CRCL/R/OBJ194

Relevant Correspondence
between Chiltern Railways
and the Objector

Our Ref: JP/BN
Your Ref:



The Property People

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

Anchor House
269 Banbury Road, Summertown
Oxford OX2 7LL
T: 01865 511444
F: 01865 404433

17 February 2010

Dear Sir

Transport and Works Act 1992
Draft Chiltern Railways (Bicester to Oxford Improvements) Order
Letter of Objection on behalf of;
David Aubrey Calcutt and James Aubrey Calcutt as trustees of A Deeley; and
David Aubrey Calcutt, James Aubrey Calcutt and Emma Elizabeth Bishop as trustees of
I H G Calcutt

This is a letter of objection to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order ("the Order") applied for by Chiltern Railways on 6 January 2010. The objection is made on behalf of David Aubrey Calcutt and James Aubrey Calcutt as trustees of A Deeley ("the Deeley Trustees") and David Aubrey Calcutt, James Aubrey Calcutt and Emma Elizabeth Bishop as trustees of I H G Calcutt ("the Calcutt Trustees").

Background

The Deeley Trustees own land and residential property at Alchester Terrace adjacent to the B4100 London Road crossing of the railway to the south of Bicester, together with land to the south-east of the railway between Merton and Wendlebury and part of the access road linking Holts Farm to Charlton-on-Otmoor. They also benefit from rights of way linking into Langford Lane to the north-east of Wendlebury. Part of this land, being the parcels numbered 04003*, 10a003, 10a004, 10a005*, 10a006*, 10b001, 10b002, 12004, 12a003 and 12b001 on the deposited plans and including the private road accessing Alchester Terrace and agricultural land to the east of the railway, is affected by the Order. The Order provides that Chiltern Railways can compulsorily acquire the parcels without asterisks and take temporary possession of the parcels with asterisks to provide 'maintenance and accommodation access and temporary access', 'accommodation access and temporary access' to works Nos. 2 and 12 in order to undertake the works to upgrade from single-track to double-track the line between Oxford and Bicester.

The Calcutt Trustees own land to the south-east of the railway between Charlton-on-Otmoor and Holts Farm, together with part of the access track linking these locations. This land has been wrongly documented in the Book of Reference as belonging to David Calcutt, Emma

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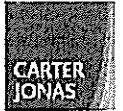


Bishop and David Moseley. Part of this land, being the parcels numbered 12004, 12010, 12a002, 12a003 and 12b001 on the deposited plans and including agricultural land to the south-east of the railway, is affected by the Order, and they also have a right of access over parcel 12011 being a crossing to the west of Holts Farm. The Order provides that Chiltern Railways can acquire the parcels compulsorily. The land take is for Work No.13, being 'An accommodation road and bridleway (735 metres in length) including an overbridge over Work No.2 commencing at Mansmoor Road at a point 340 metres south-east of Holts Farm Crossing and terminating at a point 450 metres south-west of that crossing' and possession of land to provide 'accommodation access and temporary access' in order to undertake the works to upgrade from single-track to double-track the line between Oxford and Bicester.

The Deeley Trustees' ownership of parcel 04003 is not acknowledged by the Order and appropriate notice has not been served on the Trustees, the land being shown as within the ownership and occupation of Oxfordshire County Council (in respect of adopted highway). A plan showing the Deeley Trustees' ownership is attached to this letter. The Deeley Trustees' ownership of parcel 10b002 is not acknowledged by the Order, being shown within the ownership of Oxfordshire County Council (in respect of adopted highway), though the Trustees' occupation is acknowledged and notice has been served as such.

The Deeley Trustees' principal objections to the Order may be summarised as follows:

1. No notice has been served in respect of the Trustees ownership of parcel 04003. The land is part of a private drive to properties on Alchester Terrace and should be removed from land falling within the limits of deviation of the works.
2. The properties at Alchester Terrace will be affected by increased noise, vibration, dust and other disturbance by the undertaking of the proposed works.
3. The properties at Alchester Terrace will be affected by increased noise, vibration, dust and other disturbance by the increased traffic volumes from the railway.
4. The properties at Alchester Terrace will be affected by restricted access and poor air quality from the frequent closure of the London Road level crossing (up to six times an hour instead of three times a day as at present) and queuing traffic.
5. The proposed diversion of Langford Lane will lead to increased journey times for farm traffic. The new road would be better routed directly east along existing field boundaries from Work No.11, the proposed bridge replacing Elm Tree Farm Crossing to link with the existing Langford Lane.
6. The provision of maintenance and accommodation access and temporary access to works No.2 and 12 across land parcels 10a003, 10a004, 10b001 and 10b002 provides excessive land take along a route that will involve crossing of two watercourses. Better access to these sites could be taken from the site of Work No.11, the proposed bridge replacing Elm Tree Farm Crossing, along land parcels 08005, 09005, 09006, 09008, 10010, 10034, 10021, 10036.



7. The provision of accommodation access and temporary access along Mansmoor Road will lead to increased use of the road with increased requirement for maintenance, both in the short term for construction traffic and in the longer term by new rights of access being granted for use of Work No.13 the new bridge over the railway.

The Calcutt Trustees' principal objections to the Order may be summarised as follows:

1. The provision of Work No.13 need not involve any land take from the Calcutt Trustees. A new bridge could be accommodated over land parcels 12006 and 12a001 as already included within the Order. Building over land parcels 12010 and 12a002 would leave a field shape that could not be farmed in an economical manner.
2. The provision of accommodation access and temporary access along Mansmoor Road will lead to increased use of the road with increased requirements for maintenance, both in the short term for construction traffic and in the longer term by new rights of access being granted for use of Work No.13, the new bridge over the railway.

The Deeley Trustees and the Calcutt Trustees wish to have their concerns resolved prior to any public inquiry held into the application for the Order. Pending the outcome of any such discussions, they would wish to have the opportunity to appear at the public inquiry.

Please send any correspondence relating to this objection to this address, marked for the attention of Jonathan Perks.

Yours faithfully

A handwritten signature in black ink, appearing to read "Graham Candy".

Graham Candy FRICS
Partner
For and on behalf of Carter Jonas LLP

A handwritten signature in black ink, appearing to read "Jonathan Perks".

E: Graham.Candy@carterjonas.co.uk
DD: 01865 404405
Enc; Plan

Carter Jonas LLP
Anchor House
269 Banbury Road
Summertown
Oxford OX2 7LL

Date 10 March 2010
Your ref
Our ref SANDERK/119788-010009
Direct dial 0845 497 4790
kevinsanderson@eversheds.com

For the attention of Jonathan Perks

Dear Sir

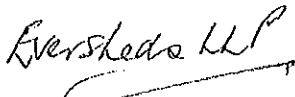
**CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER
THE DEELEY TRUSTEES (OBJ/194)**

We act for the Chiltern Railways Company Limited and have received from the Department for Transport a copy of your objection on behalf of the Deeley Trustees and the Calcutt Trustees.

We note from paragraph 1 of the summary of the Deeley Trustees objection that the Deeley Trustees have an interest as owners of part of parcel 04003. Accordingly, the entry in the Book of Reference will be amended to include a description of your clients interest.

We note your comment that parcel 10b002 is owned by the Deeley Trustees. We are considering this with Ardent Management Ltd, the Company's land and referencing consultants, and will come back to you on this.

Yours faithfully



Eversheds LLP

cc Peter Savage (DfT)

Our Ref: PC/P3245.2/EG3/001
Your Ref: JP/BN

Graham Candy
Anchor House
269 Banbury Road
Summertown
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OX2 7LL

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

28th April 2010

Dear sirs,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 194**

We refer to your letter dated 17 February 2010 address to the Secretary of State for Transport. The following are Chiltern's responses to your clients' points of objection:

Would you please clarify the ownership query you have of the land off the end of Mansmoor Road. Under title number ON172053 it is owned freehold of those listed in the BOR being David Calcutt, Emma Bishop and David Moseley.

1. Your client's ownership interest in parcel 04003 has been noted and will be taken account of in the amended book of reference.
2. The noise mitigation methods and tables of values, affected properties and noise impacts are explained in the Environmental Statement. Both construction noise and residual noise post construction are dealt with in section 6, which can be found in Volume 2.
3. See point 2 above.
4. With regards to the air pollution and dust, please refer to sections 13 and 14 of the Environmental statement Volume 2. Section 11 in Volume 2 deals with the traffic and transport environmental effects.

Ardent Management Ltd
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e . info@ardent-management.com

5. We are unsure as to your description of alternative access route. Could you please provide a plan confirming your suggested route.
6. We have put in the minimum land to provide a suitable accommodation access. This access route up the side of M40 was put in to provide access for the severed land of a neighbouring farmer as his farm was being sold in two lots, split by the railway. It is not possible for the parcels you list to be used as an alternative form of access as these parcels are in the order for access and worksite access and are only listed as being acquired temporarily, we can not therefore acquire these permanently for an accommodation access.
7. See response to point 2 below.

The Calcutt trustees' objections are dealt with below:

1. The bridge for work 13 can not be built on the parcels which you suggest. Building on these parcels 12006 and 12a001, will bring the bridge far too close to Holts Farm buildings and residential property. Bridleway diversion points B2 and B5 at the ends of work 13.
2. Once the future right owners are established, Chiltern will consult with all users to establish an equitable shared maintenance regime.

I hope the above will clarify some of the issues raised in your client's objection, in the meantime if you require any further information please let me know.

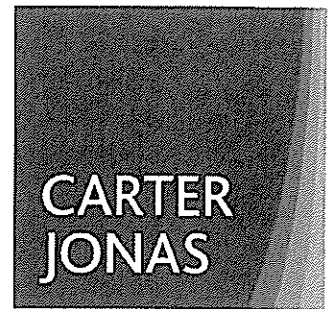
Yours faithfully,



Paul Clarke
Associate director
cc C Baker ERM

OBJ 194

Our Ref: GPC/JF/BN69598
Your Ref: PC/P3245.2/EG3/001



The Property People

P Clarke Esq
Ardent Infrastructure & Regeneration
PO Box 3050
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RG40 3YD

Anchor House
269 Banbury Road, Summertown
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16 June 2010

Dear Mr Clarke

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 194**

**Our Clients; David Aubrey Calcutt and James Aubrey Calcutt as trustees of A Deeley; and
David Aubrey Calcutt, James Aubrey Calcutt and Emma Bishop as trustees of I H G
Calcutt**

Further to your letter of 28th April 2010 addressed to my colleague Graham Candy.

The land you refer to under title ON172053 has recently been transferred to the ownership of David Aubrey Calcutt, James Aubrey Calcutt and Emma Bishop as trustees of I H G Calcutt.

I refer to your letter by the numbered points as follows for the Trustees of A Deeley;

1. Noted.
2. Noted. There will be an adverse affect on these properties from the works proposed.
3. See point 2 above.
4. See point 2 above.
5. I attach a plan showing our proposed route.
6. Our clients were not consulted as to proposed rights of access prior to your decision as to land to be acquired temporarily or otherwise. Our point stands that our proposed route is the better alternative. Your point regarding the land being marketed in two lots is unclear. Are you suggesting that you will be supplying the vendor with better access than he currently enjoys to the detriment of our clients?

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7. By increasing the number of users on Mansmoor Road, you increase the requirements for improvements to the road. Despite the suggestion that you will equitably split the costs of the maintenance regime, this is likely to result in higher costs both in management and maintenance to our client.

I refer to your letter by the numbered points as follows for the Trustees of I H G Calcutt;

1. See point 6 above. Our clients have not been adequately consulted on this matter.
2. See point 7 above.

We do not feel that our concerns have been adequately considered and in the absence of meaningful discussions wish to have the opportunity to appear at the public enquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Perks', written over a horizontal line.

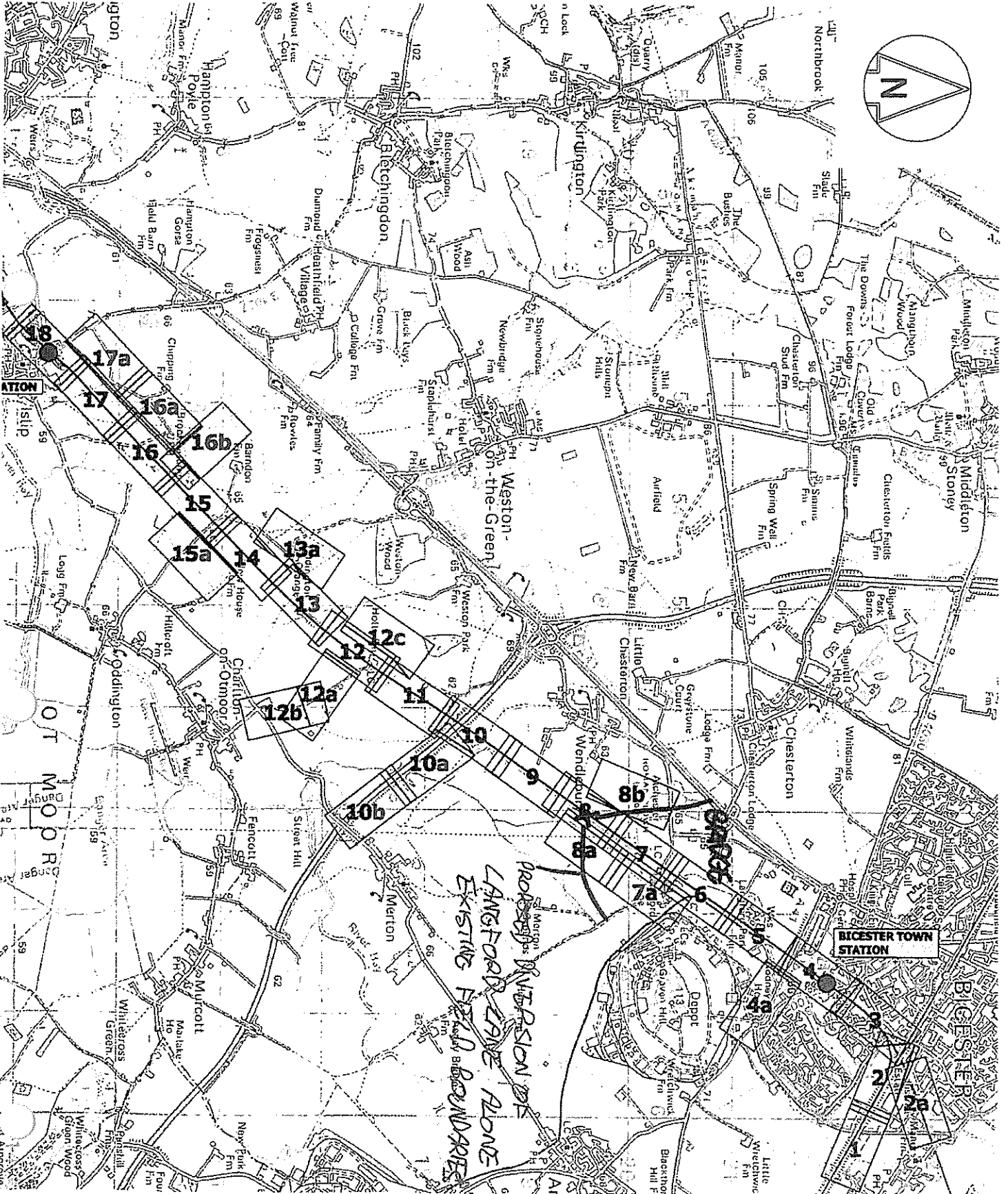
Jonathan Perks MRICS FAAV
Rural Surveyor
For and on behalf of Carter Jonas LLP

E: jonathan.perks@carterjonas.co.uk
DD: 01865 404443

to Oxford Improvements) Order

DISTRICT OF CHERWELL AND CITY OF OXFORD

ion and Key Plan



OBJ 194

Nicola Finlay

From: Paul Clarke [PaulClarke@ardent-management.com]
Sent: 05 July 2010 12:19
To: ERM UK Chiltern Objections
Subject: FW: Chiltern Railways, OBJ 194. Ref: GPC/JP/BN69598
Follow Up Flag: Follow up
Flag Status: Red



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

From: Peter Gibbard
Sent: 05 July 2010 12:08
To: 'jonathan.perks@carterjonas.co.uk'
Cc: Paul Clarke
Subject: Chiltern Railways, OBJ 194. Ref: GPC/JP/BN69598

Mr Perks,

I am writing in response to your letter of the 16th June 2010. My apologies for the delayed response. Taking your points in order:

5. In reference to your new route, we have not included the relevant land in the order for this route option. This option will increase the distance for other users of Langford Lane considerably. As one of the other users is a riding school, the distance to it from the public highway for ambulances was one of the considerations taken into account. Furthermore, as you will recall from our last meeting, another of your clients who owns the land involved would not agree to this change. Please could you confirm why your client requires use of the new Langford Lane bridge and access from the west of the railway, when they have access from the Merton road along with the remainder of their land.

6. As explained in the previous letter, your proposed route is not possible due to the powers sought over the land. During scheme development this route was determined as being the best accommodation access route. We are not providing the vendor with better access than he currently has. We are closing down a level crossing which he currently uses and replacing the access with this route. Therefore accommodation works in the form of the access track from Merton road are being provided. Please explain why you think we are improving access with the route proposed.

7. Mansmoor Road is a private road the actual ownership of which is unclear. It is currently maintained by one landowner, and it is the intention that this maintenance liability will be shared fairly and equally between all parties. The current unilateral maintenance would be withdrawn at any time.

I hope the above answers your questions, but if you have any further questions or you feel a meeting is appropriate, please let me know.

05/07/2010

015 194

Our Ref: GPC/JP/BN69598

Your Ref:

**CARTER
JONAS**

The Property People

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10 August 2010

Dear Mr Gibbard

**Draft Chiltern Railways (Bicester to Oxford Improvements) Order
Objection Number 194
Our Clients; Trustees of A Deeley and Trustees of I H G Calcutt**

Further to your email of 5th July. I have responded formally to your email within the Statement of Case submitted on behalf of the Trustee's, but for clarity set out our responses here.

5. It appears that insufficient consultation was undertaken prior to submitting the order. I understand that a number of landowners affected by the re-routing of Langford Lane have objected to the proposed route. If you are unable to consider alternative routes through use of statutory powers then you should seek to vary the route by negotiation. The Deeley Trustee's benefit from rights of way linking into Langford Lane crossing to access other land within their ownership and as such are entitled to make representations as to any proposed re-routing of Langford Lane.
6. The Deeley Trustee's have not been adequately consulted regarding the placing of a new access over their land. As with Langford Lane you should consider the provision of alternative access by negotiation with adjacent landowners. The farm that is to benefit from the new route was recently offered to the market for sale. The only existing access to the land to the south east of the railway is through the farmstead. By providing a separate access track, the land could be offered for sale in lots, without a third party purchaser taking access through the farmstead. As such it could increase the value of the holding to the detriment of the Trustees.
7. Mansmoor Road is currently maintained by one party with the Deeley and Calcutt Trustee's contributing to these works. Additional traffic will require a better road surface than is currently maintained, thereby increasing costs to all parties. By including a number of parties within a maintenance regime will lead to difficulties in organising and paying for such work.

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I understand that a number of parties have proposed a new access route along the south west side of the M40 to replace the proposed bridge (Work No 13) at Mansmoor Road. The Calcutt Trustees would be prepared to support this proposal provided that the proposed land take over parcels 12010 and 12a002 are withdrawn from the limits of deviation of the works.

The Deeley and Calcutt Trustees are keen to discuss their outstanding objections with you in order that their concerns can be adequately considered.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jonathan Perks", written over a horizontal line.

Jonathan Perks MRICS FAAV
Rural Surveyor
For and on behalf of Carter Jonas LLP

E: jonathan.perks@carterjonas.co.uk
DD: 01865 404443

02 November 2010

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Direct lines
Telephone +44 20 3206 5661
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Email ian.gilder@erm.com

Your ref: OBJ 194 *The Beeley Trustees and the Calcutt Trustees*

Dear J Perks,

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.

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

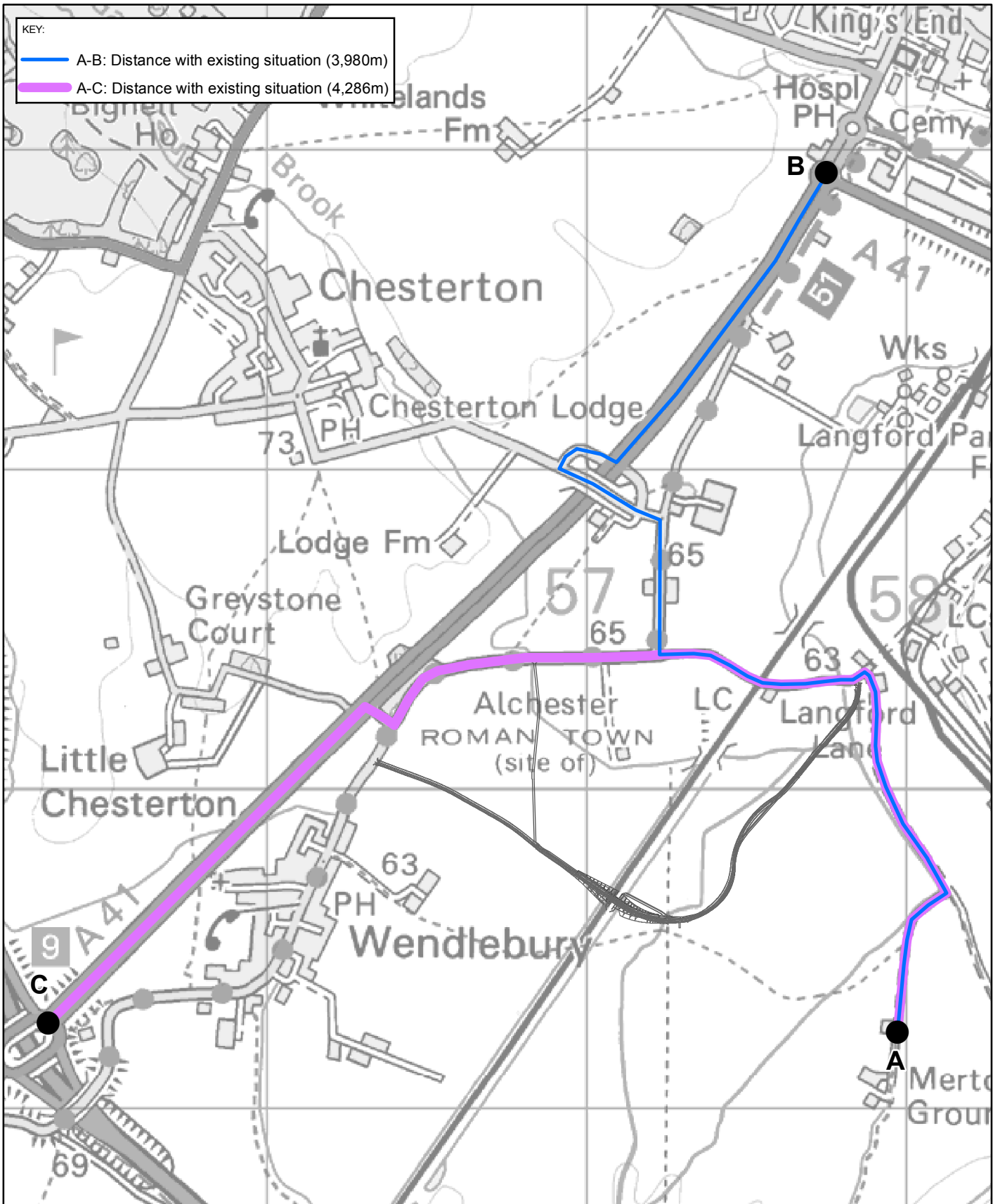
Ian Gilder
Head of Planning

For and on behalf of the Chiltern Railway Company Ltd

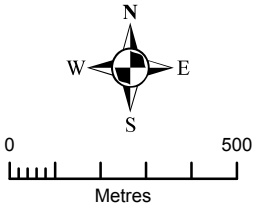
Appendix B

CRCL/R/OBJ194

Figures showing Road
Distance



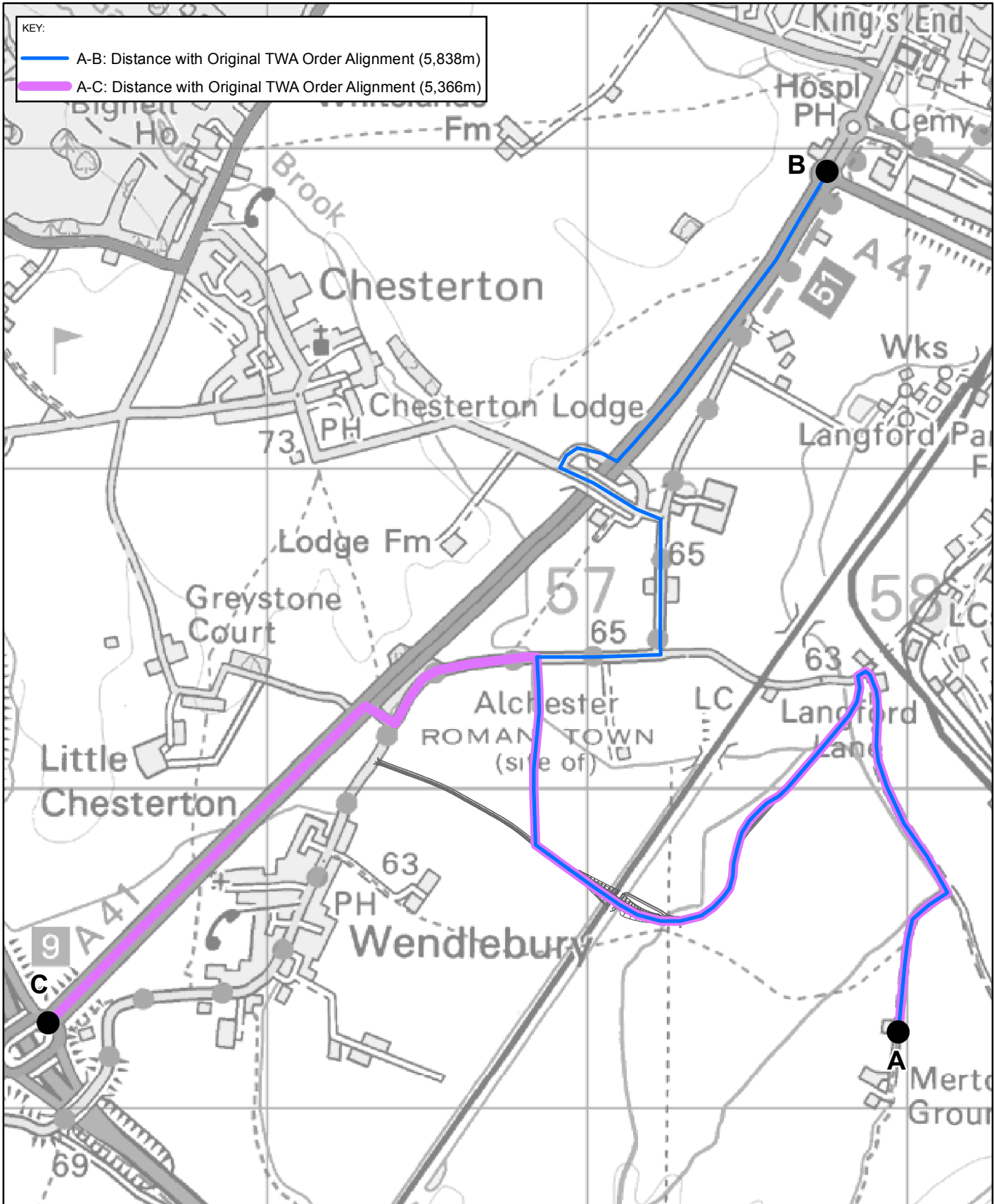
KEY:
 — A-B: Distance with existing situation (3,980m)
 — A-C: Distance with existing situation (4,286m)



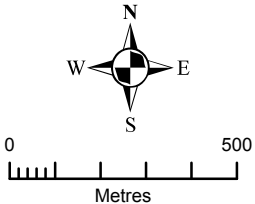
CLIENT: **Chiltern Railways**
 SIZE: A4
 ERM
 2nd Floor
 Exchequer Court
 33 Saint Mary Axe
 London, EC3A 8LL
 Tel: 020 3206 5200
 Fax: 020 3206 5440
 SOURCE: Reproduced from Ordnance Survey digital map data. © Crown copyright. All rights reserved. 2010 License number 0100031673.
 PROJECTION: British National Grid

TITLE: **Figure OBJ194/1/A
 Distance by Road with Existing
 Situation**
 DATE: 17/11/2010 CHECKED: SLG PROJECT: 0110147
 DRAWN: IG APPROVED: SCALE: As Scale Bar
 DRAWING: Footpath_OBJ191_1_A.mxd REV: 0

Fig: 0110147ChilternRGS_IG_HFMapaWoringPlanningObjectionsFootpath_OBJ191_1_A.mxd



KEY:
 — A-B: Distance with Original TWA Order Alignment (5,838m)
 — A-C: Distance with Original TWA Order Alignment (5,366m)



CLIENT: **Chiltern Railways**
 SIZE: A4
 ERM
 2nd Floor
 Exchequer Court
 33 Saint Mary Axe
 London, EC3A 8LL
 Tel: 020 3206 5200
 Fax: 020 3206 5440
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 PROJECTION: British National Grid

TITLE: **Figure OBJ194/1/B**
Distance by Road with the Original TWA Alignment of Langford Lane
 DATE: 17/11/2010 CHECKED: SLG PROJECT: 0110147
 DRAWN: IG APPROVED: SCALE: As Scale Bar
 DRAWING: Footpath_OBJ191_1_B.mxd REV: 0

Fig. 0110147ChilternRGS_IG_HFMapaWoringPlanningObjectionsFootpath_OBJ191_1_B.mxd