

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

**CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE**

**IN RELATION TO**

**THE OBJECTION AND EVIDENCE OF**

**CHARLTON-ON-OTMOOR PARISH COUNCIL**

**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 Charlton-on-Otmoor Parish Council.
- 1.2 Charlton-on-Otmoor Parish Council has not raised any additional points since their original letter of objection dated 15 February 2010. Chiltern Railways has previously addressed the points in the objection letter in its response to that letter. Cross-references to relevant paragraphs of those witnesses' proofs of evidence are given below, where appropriate.
- 1.3 It is intended that this rebuttal proof should be a composite response by Chiltern Railways to those new points raised in the evidence of Charlton-on-Otmoor Parish Council 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 Charlton-on-Otmoor Parish Council dated 15 February 2010 and 15 May 2010, appended to this rebuttal proof in Appendix A;

*"the Representor"* means Charlton-on-Otmoor Parish Council;

*"the Representor's"* means the objection letter of Charlton-on-Otmoor Parish

<i>evidence</i>	Council;
<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 Representor’s Evidence**

#### *Context*

- 3.1 The Representation on behalf of Charlton-on-Otmoor Parish Council is written by the Chairman, Mr Tremayne.

#### *Use of Mansmoor Lane as a Construction Access Road, Stephen Barker*

- 3.2 The Representor states their understanding that Mansmoor Lane will be used Chiltern Railways as a construction access route during the building of the Holts Farm crossing and other work associated with the Order Scheme. The Representor is seeking further clarification as to how long the ‘temporary acquisition’ will last and to what extent the existing access for farm traffic, horse riders, dog walkers etc will be effected. The Representor states that a large number of parishioners use Mansmoor Lane on a regular basis.

- 3.3 Chiltern Railways’ contractors will need to use Mansmoor Lane during the construction of the Holt’s Farm Bridge. Chiltern Railways does not anticipate that it will be necessary to close Mansmoor Lane. Arrangements will be made to notify local residents (and the Parish Council) in advance of any closures. The construction of the bridge is expected to take four to six months.

#### *Impact on the Wendlebury Meads and Mansmoor Closes SSSI, Andy Coates*

- 3.4 The Representor states their understanding that a new permanent access road for Mr Mark Howard will involve loss of SSSI land. The Representor states an assumption that Natural England will have a view on this matter.
- 3.5 As detailed in *Section 2.48* of Andy Coates’ proof of evidence [CRCL/P/10/C], the Scheme proposals do include a loss of 675sq.m from the SSSI for an access track; which is required by the land owners Mr Miller (**OBJ/241**) and Mr Howard (**OBJ/184**) to ensure management of the SSSI and access to land owned by Mr Miller. Mitigation will include restoration of 1,450 square metres of land that is currently under an existing farm building and hard standing. Chiltern Railways is continuing discussions with Natural England on this matter.

#### *Extent of Land to be Acquired for the Holts’ Farm Bridge, Richard Caten*

- 3.6 The Representor notes that they are unable to understand why the final layout of the new crossing is so vague and the need for so much designated land (shown pink on

Chiltern Railways maps). The Representor notes that this appears to them as excessively expansive.

- 3.7 The area of land defined within the Limits of Deviation (the 'pink' land) was deliberately drawn wider than will be required for the actual construction and maintenance of the bridge in the TWA Order application in case Chiltern Railways need to consider an amendment to the alignment of the bridge and access road, following further discussions with the landowner and Natural England. Unless Chiltern Railways agree any amendments, it is Chiltern Railways' intention to build the bridge and road on the alignment shown on Plans 12, 12a and 12c in the Deposited Plans and Sections. Chiltern Railways will make arrangements with the landowners involved to limit the land that it occupies temporarily to the minimum required for the bridge, the access road and any construction sites that are required. The bridge, approach ramps and any other land will be returned to the landowner, who will have the primary responsibility for maintenance.

*Removal of Trees and Vegetation Along the Railway, Ian Gilder*

- 3.8 The Representor states his belief that all vegetation will be permanently removed from either side of the railway which runs counter to the encouragement of biodiversity.
- 3.9 The works will retain as many existing trees and shrubs along the railway corridor as possible. Trees and other vegetation will only be removed along the railway where necessary, for infrastructure works or for construction areas to allow the works to be undertaken. Where possible, replacement planting will be provided but any planting on railway land will need to be approved by Network Rail.

*Traffic Impacts at London Road Level Crossing, Paul Tregear*

- 3.10 The Representor states that it remains unconvinced that the London Road level crossing at Bicester, which is to have little or no upgrading, will not lead to major traffic hold ups as the new passenger and freight services come into operation. The Representor notes that this is the principal point of egress to Bicester Town for Charlton villagers.
- 3.11 Paul Tregear responds specifically to the Representor on this matter in his Proof of Evidence (his reference **CRCL/P/8/A**) at paragraphs 10.2-10.3 with reference to the traffic modelling reported in section 6 of his Proof of Evidence and in detail in **[CD/2.24]**. In particular, Paul Tregear deals with the impact of operation 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]**.
- 3.12 In summary, there will be a slight effect on journey times for traffic, including buses, travelling through the network when the London Road level crossing is closed. At other times, journey times throughout the network would be similar or only marginally longer than the baseline. At 2016, for example [Appendix K, **CD/2.24**], modelled journey times of traffic travelling along the 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 and by approximately 100-

150 seconds southbound and 70-150 seconds northbound with a three minute closure. 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.

*Public Consultation, Ian Gilder*

- 3.13 The Representor states that they have not been impressed by the adequacy of public consultation by Chiltern Railways. The Representor states that it would have expected a considerable effort to address the concerns of each of the parishes along the route of the new project. The Representor notes that at their request a member of Chiltern staff, albeit a junior member, did attend one of their meetings last summer. The Representor states Chiltern Railways' consultants are not interested in detailed consultations with locally affected residents.
- 3.14 Chiltern Railways has been committed to engaging local residents and organisations throughout the process of preparing the application for the Order Scheme. An extensive public consultation exercise has taken place including exhibitions, newsletters, infomails and a website. A hotline has been made available so that residents can contact a dedicated consultation team. The consultation team had detailed discussions on specific points with many residents who live close to the Scheme, before the application was submitted.
- 3.15 Since submission of the application to the Department for Transport in January 2010, there has been continued consultation with local residents. This has included group and individual meetings and written responses. Chiltern Railways has continued to address specific concerns that residents have raised in correspondence and face to face.

#### **4 Conclusion**

- 4.1 This rebuttal responds comprehensively to the representations made by the Parish Council.
- 4.2 Chiltern Railways does not anticipate that it will be necessary to close Mansmoor Lane. Arrangements will be made to notify local residents (and the Parish Council) in advance of any closures that are necessary. The construction of the bridge is expected to take four to six months.
- 4.3 Chiltern Railways will make arrangements with the landowners involved to limit the land that it temporarily occupies to the minimum required for the Holts Farm bridge, the access road and any construction sites that are required.
- 4.4 The works will retain as much existing vegetation along the railway corridor as possible. Trees and other vegetation will only be removed along the railway where necessary for infrastructure works or construction areas to allow the works to be undertaken.
- 4.5 There will be a slight effect on journey times for traffic, including buses, 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.

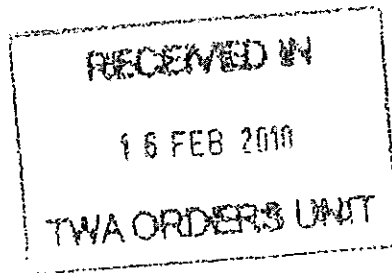


Appendix A

CRCL/R/REP9

Relevant Correspondence  
between Chiltern Railways  
and the Objector





REP/9

Willsden  
High Street  
Charlton-on-Otmoor  
Oxon  
OX5 2UQ  
Tel: 01865 331075

## Charlton-on-Otmoor Parish Council

The secretary of State for Transport  
c/o The Transport and Works Act Orders  
Unit Department for Transport  
Zone 1/31, Great Minister House  
76 Marsham Street  
London SW1 4DR

15 February 2010

Dear Sirs,

### CHILTERN RAIL EVERGREEN 3 PROJECT

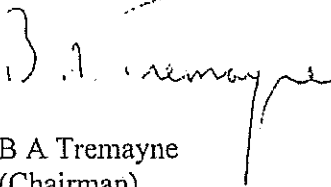
We refer to Chiltern Rail's Application for Bicester to Oxford Improvement TWA Order of 6 January 2010. We should like to raise the following concerns on behalf of the Parish of Charlton-on-Otmoor through which the railway runs:

- 1) As far as we can see Mansmoor Lane will be taken over by Chiltern Rail as a construction access route during the building of the new Holt Farm crossing, and possibly other work associated with the double tracking of the railway. It is however unclear for how long this state of "temporary acquisition" will last, and to what extent the existing access for farm traffic, horse riders, dog walkers, etc will be denied. We can confirm that a large number of our parishioners use Mansmoor Lane on a regular basis.
- 2) Though much is made in the Application of how the new Holt Farm crossing will avoid incursions on SSSI land – a concept which we applaud – we note that a new permanent access road for Mr Mark Howard will involve the loss of SSSI land. We assume that Natural England will have their own comments on this.
- 3) We are unable to understand why the final point of the new crossing is so vague, and the need for so much undesignated land (shown pink on Chiltern's maps). This appears excessively expansive.
- 4) We are led to believe that all vegetation will be permanently removed from either side of the new tracks. From the point of view of encouragement of biodiversity this seems unnecessarily harsh.

- 5) We remain unconvinced that the London Road crossing at Bicester, which is to have little or no upgrading, will not lead to major traffic hold ups as the new passenger and freight services come into operation. We should like to point out that this is the principal point of egress to Bicester Town for Charlton villagers.
  
- 6) In general we have been unimpressed by the adequacy of public consultation by Chiltern Rail. We would have expected a considerable effort to address the concerns of each of the parishes along the route of the new project. At our request a member of Chiltern staff, albeit a junior one, did attend one of our meetings last summer, but he was only able to point us in the direction of the two consultants, ERM and Ardent. Both these firms proved more interested in earning, their no doubt generous, fees from Chiltern, and rushing to produce lengthy reports congenial to their client's case without too many detailed consultations with locally affected residents.

We should be grateful if our above observations are taken into account in your deliberations on this application.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'B A Tremayne', written in dark ink.

B A Tremayne  
(Chairman)

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15<sup>th</sup> May 2010

Mr B Tremayne  
Chairman  
Charlton-on-Otmoor Parish Council  
Wilsden  
High Street  
Charlton-on-Otmoor  
OX5 2UQ

Direct lines  
Telephone 07802 886132  
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Our Ref: 0110147/REP9

Dear Mr Tremayne

**Re: Chiltern Railways: (Bicester to Oxford Improvements) TWA Order Application**

I reply to your letter to the Department of Transport, dated 15<sup>th</sup> February 2010, about this application. You have raised a number of questions about the Scheme and my responses, on behalf of Chiltern Railways, follow the numbering in your letter:

1. **Mansmoor Lane:** Chiltern Railways' contractors will need to use this during the construction of the Holt's Farm Bridge. We do not anticipate that it will be necessary to close it for other users except for short periods. Arrangements will be made to notify local residents (and the Parish Council) in advance of any closures.
2. **Access for Mr Howard:** We are in continuing discussions with Mr Howard, the other landowners involved and Natural England to secure a satisfactory solution for all parties, if we can.
3. **Extent of Land Designated for the Holt's Farm Bridge.** The area of land defined within the Limits of Deviation (the 'pink land') was deliberately kept large in the application in case we need to consider an amendment to the alignment of the bridge and access road, following our further discussions with the landowners and Natural England. Unless we agree any amendments, it is our intention to build the bridge and road on the alignment shown on Plans 12, 12a and 12c in the Deposited Plans and Sections. We will make arrangements with the landowner involved to limit the land that we occupy to the minimum required for the bridge and access road and any construction sites that are required.
4. **Removal of Trees and Vegetation:** Trees and other vegetation will only be removed along the railway where these are necessary for the bridge or other works. Wherever possible, replacement trees and hedges will be planted. Any planting on railway land will have to be approved by Network Rail.
5. **London Road Level Crossing:** We have undertaken detailed traffic studies to test the impacts of more frequent closures of this crossing and these show that there will only be modest delays for road users. We are continuing to discuss this issue with both the County Council, as highway authority, and Cherwell District Council to ensure that satisfactory levels of access to the town centre are maintained.

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6. **Consultation:** Chiltern Railways have undertaken substantial public consultation and information exercises in advance of the application, which has included all of the parish councils along the route. Since the application was submitted, we have been in contact with all individuals and organisations who have made objections in order to try to resolve these.

I hope that this letter answers your concerns, but if you require any further information please come back to me.

Yours sincerely

Ian Gilder  
Head of Planning  
ERM

*For and on behalf of the Chiltern Railway Company Ltd.*