

Rebuttal Evidence to:

CRCL/P/11/A: PROOF OF EVIDENCE OF RICHARD CATEN

By

Dick van Wijngaarden BSc

On behalf of:

Owner and residents of Merton Grounds Farm, Bicester, OX25 2NS

Obj/191

Objection to part of the “The Chiltern Railways (Bicester to Oxford Improvements) Order”; The line of the proposed route, as a result of the closing of the Langford Lane level crossing

**Van Wijngaarden
Technical Solutions and Project Management
12 Priory Road
Bicester
OX26 6BH
07785 343999
MGF@vanwijngaarden.co.uk**

Rebuttal to: CRCL/P/11/A: PROOF OF EVIDENCE OF RICHARD CATEN LAND AND PROPERTY

Please find below my rebuttal to Mr Caten's Evidence in Blue

9.19 Objection 191 The Owners and Residents of Merton Grounds Farm

9.19.2 Grounds of Objection

9.19.2.1 *The line of the route that has been chosen and to the point where it accesses the highway.*

9.19.2.2 *Lack of consultation with affected parties.*

9.19.2.3 *Additional distance to the new road.*

9.19.2.4 *Lack of consideration given to horse and bicycle traffic.*

9.19.2.5 *Unsatisfactory road layout at the point where the proposed new route joins the existing road at Bramlow.*

9.19.2.6 *Dangerous location of the proposed access point to the highway, west of the railway.*

9.19.2.7 *Proposed diversion of footpath (FP398/6) likely to cause increase of footpath traffic near Merton Grounds Farm.*

9.19.2.8 *Proposed road crosses the access road to the archaeological site Roman Parade Ground.*

9.19.2.9 *Potential effect on flood zone 3.*

9.19.2.10 *Unnecessary use of green field land.*

9.19.3 Response to Grounds of Objection

9.19.3.1 Chiltern has explained the consultation that has been carried out and this is set out in the Statement of Consultation (CD/1.28).

REBUTTAL to 9.19.3.1:

As explained in my Proof of Evidence, my clients have not received any notification as set out in CD/1.28. The local papers as the Bicester Review and the Bicester advertiser are not distributed to my clients' address. The fact that there was a website does not publicise the existence of a scheme. People would need to be aware of it, before they could visit it. The revised alignment of Langford Lane was not decided on by Chiltern Railways until after any public consultation or public announcement was made. As my evidence shows, the only way the revised alignment was publicised was a very small map in a newsletter, which was not even sent to my clients.

Document CD/2.11 mentions in the conclusion in point 10 that Option 6 [the proposed order route or the Red Route] demonstrates an active engagement with stakeholders during the option development. This suggests that there was consultation with the parties affected by the alignment. If this was true, my clients and neighbours would also have been included and the Orange Route could have

been discussed at that stage which would have saved a lot of time, money and aggravation. It has been proven now that the Orange Route is the preferred route by the majority of affected parties.

9.19.3.2 Chiltern has undertaken extensive discussions with English Heritage in respect of the route of the revised highway alignment. The consultation undertaken with English Heritage is dealt with in the Proof of Evidence of Mr Ian Gilder (CRCL/P/12/A).

REBUTTAL to 9.19.3.2:

I don't understand Mr Caten's response, as point 2 of my Statement of Case describes the lack of consultation with my clients and neighbours and does not mention the lack of consultation with English Heritage. However Mr Welch from English Heritage did tell me that they were not involved at all in choosing the position of the road, but that in a meeting with Chiltern Railways, English Heritage had pointed out that the Langford Lane crossing is in a Scheduled Ancient Monument and could not be built on. Mr Welch expressed his concern to me about the poor communication he had received from Chiltern Railways. The fact that the objection from English Heritage to the route to the west of the railway resulted in the proposed modification shows that Chiltern Railways had not consulted English Heritage about the actual route, otherwise they would have amended the route before the TWA order was submitted.

9.19.3.3 The route applied for has benefits for some users and dis-benefits for others. One route cannot provide equal benefit for all potential users.

REBUTTAL to 9.19.3.3:

A very strange remark again, as my Statement of Case and my evidence concentrates on the fact that Chiltern Railways suggest that the extra distance to travel for users of the Langford Lane crossing is only 1 km, while it is in fact quite a bit more.

The point made seems to imply that there are actual benefits to any revised alignment of Langford Lane, which I don't believe there are. I think Mr Caten may have intended to say that the alignment in the order (Red Route) compared to alignment as suggested by my clients (Orange Route) has benefits for some and is disadvantageous for others. However there are more parties benefiting from the Orange Route than from the Red Route and one of the two parties that is supposedly dis-benefiting from the Orange Route has already given their preference for the Orange Route.

9.19.3.4 Through consultation with Oxfordshire's Rights of Way Officer, future use of (FP398/6) was not considered to be of concern. Public Rights of Way are dealt with in the Proof of Evidence of Mr Ian Gilder (CRCL/P/12/A).

REBUTTAL to 9.19.3.4:

I have spoken to Mr Hugh Potter, Oxfordshire County Council Rights Of Way Officer, who told me he was not against the Orange Route and was willing to attend a meeting with affected parties and Ardent to discuss the Orange Route. Unfortunately, in a telephone conversation with Mr Kerry Clarke from Topbreed Ltd and Mr Paul Clarke from Ardent, Mr Paul Clarke declined the invitation to have a meeting.

9.19.3.5 The final highway layout is still to be subject to detailed design, in accordance with all statutory requirements. The route in the application documents is only indicative.

REBUTTAL to 9.19.3.5:

There is not enough room on the area of land included in the order at this point for a design that will mitigate the concerns my clients have.

9.19.3.6 This access point has now changed, due to the Order Modification (CD/1.28), relating to the Langford Lane diversion.

REBUTTAL to 9.19.3.6:

This is only the case if the modification is approved instead of the original order.

9.19.3.7 All works in the flood plain will be subject to approval by the Environment Agency and its requirements in relation to the risk of flood will be implemented.

REBUTTAL to 9.19.3.7:

My evidence shows that Chiltern Railways have not made significant efforts to reduce the effect on the Flood Zone 3 as much as they could have done and that they have omitted to include a number of affected parties when applying the "Sequential Test". These points have made the outcome of the test unreliable.

The Environment Agency has confirmed to me (see Appendix 1) that they feel that our proposed Orange Route "appears slightly favourable from a floodplain perspective" and that they "would always like to see the number of crossings of water courses minimised". Although they say they "are not strongly in favour of either route", they have implied that if they were given the choice, the Orange Route would be preferred.

Appendix 1

Letter from Environment Agency

Mr Dick Van Wijngaarden
12 Priory Road
Bicester
Oxfordshire
OX26 6BH

Our ref: WA/2010/107683/01-L01
Your ref: -
Date: 24 February 2010

Dear Mr Van Wijngaarden

CHILTERN RAILWAY EVERGREEN 3 PROJECT - LANGFORD BROOK CROSSING

We have considered the alternative proposed route for the road and the information that you have provided in relation to this.

From the submitted information, we would agree that the alternative route appears slightly favourable from a flood risk perspective. However, both routes pass through a large section of floodplain and would be subject to rigorous assessment at the detailed design stage to ensure that they do not increase flood risk.

We are requesting that the road surface should be set at the same level as the surrounding area so it should have minimal impact on the floodplain regardless of its route and length.

We would always like to see the number of crossings of watercourses minimised but we do not have any major concerns with the original route on the grounds that it has one more crossing. Again, all watercourse crossings will be assessed to ensure that their design does not increase flood risk.

We will require a sustainable surface water manage plan to be agreed to ensure that the new road will not increase flood risk from surface water.

We have asked for the impact of all of the new roads on the access and egress of surrounding properties during flood events to be assessed. We will have a better idea of the suitability of the proposed routes from a flood risk perspective once this assessment has been made.

In summary, as the difference between the two routes from flood risk perspective is marginal, based on the information we have at this stage, we are not strongly in favour of either route but have requested further assessment.

Environment Agency
Red Kite House Howbery Park, Wallingford, Oxfordshire, OX10 8BD.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk
Cont/d..

Yours sincerely

Mrs Cathy Harrison
Planning Liaison Officer

Direct dial 01491 828515

Direct e-mail catherine.harrison@environment-agency.gov.uk

End