

**To**

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

**Chiltern Railways (Bicester to Oxford Improvements) Order application:  
Objection no. 230**

**and**

**Proposed Modification to Chiltern Railways (Bicester to Oxford Improvements)  
Order application: CD/1.22/1 and CD/1.28**

## **Statement of Case**

**from**

**Catherine and Bartholomew Quinn  
Owner and residents of**

**Merton Grounds Farm Cottage  
Merton Grounds  
Wendlebury  
Oxfordshire  
OX25 2NS**

## 1. Background

- 1.1 This is the Statement of Case made by Catherine and Bartholomew Quinn, Owner and Residents of Merton Grounds Farm Cottage, Merton Grounds, Wendlebury, Oxfordshire OX252NS, in relation to:
- (i) Objection (OBJ/230) to Chiltern Railways' TWA Order application (closure of Langford Lane crossing and re-routing of existing road), sent to the Secretary of State on 16 February 2010; and
  - (ii) a further Objection to Chiltern Railways' proposed modification to the above Order application (CD1.28 and CD/1.22/1), notified by Eversheds, acting on behalf of Chiltern Railways, on 3 September 2010.
- 1.2 The Objections respond to Chiltern Railways' proposal to close the level crossing at Langford Lane, and to re-route the road to the nearest public highway by means of a lengthy cross-country detour, causing significant inconvenience for local residents of Merton Grounds.
- 1.3 This Statement of case recaps the key points of OBJ/230, which objected to the proposed line of the detour, and registers a formal Objection to the proposed modification to further extend the length of the detour.
- 1.4 Key points of OBJ/230, which have not yet been satisfactorily addressed by Chiltern Railways or its agents, are as follows:

### **Sole vehicular access**

- 1.5 Chiltern Railways proposes to close the sole vehicular access from Merton Grounds Farm Cottage to the public highway. Chiltern Railways proposes to replace this access with a new cross-country route (delineated in red in the plans submitted with the Order, hence "The Red Route").

### **Unsafe highway**

- 1.6 The Red Route will force all incoming and outgoing traffic travelling to/from Merton Grounds Farm and Merton Grounds Farm Cottage around a sharp hairpin bend at Wendlebury Gate Stables, an area cramped during business hours with stable traffic, parked cars, horseboxes, horses, riders and children.
- 1.7 The turning space at this point will be insufficient for very large vehicles (e.g. domestic fuel tankers) which make deliveries to Bramlow, Merton Grounds Farm, and Merton Grounds Farm Cottage.
- 1.8 It is feasible that companies will be unwilling to deliver to these properties if the line of the diversion proceeds according to Chiltern Railways' proposal. It is also feasible that local service providers (Cherwell District Council and Royal Mail) might reasonably object to the significant extra distance forced by the closure of Langford Lane to deliver their services to properties at Merton Grounds. These

issues are not considered in Chiltern Railways' Order application and have not been addressed in response to formal Objections from local residents.

### **Significant inconvenience and cost to residents**

- 1.9 The road closure and alternative routing of the sole access to and from Merton Grounds Farm Cottage will add an estimated extra 1.5 km to each one-way journey for residents of Merton Grounds Farm Cottage and Merton Grounds Farm. For one resident making typically one return journey per working day and two return journeys per weekend day, this amounts to an estimated increase of 27 additional km per week, or a total of 1,404 km extra travel distance per year. The attendant costs of this increase are significant.

### **Lack of contact and consultation with residents**

- 1.10 In its Order application, Chiltern Railways states its intention to contact and consult local property owners whose rights are likely to be affected or whose access will be compromised by the Order. Chiltern Railways and its agents failed to notify the owner and residents of Merton Grounds Farm Cottage of the Order application, who discovered the intention to close Langford Lane crossing only when informed in January 2010 by neighbours at Merton Grounds Farm.

## **2. Alternative route proposal: "The Orange Route"**

- 2.1 Chiltern Railways state in their Order application (p.7) that "*Any affected person is entitled to make an objection or representation on any relevant aspect of the scheme. This should state the grounds of your objection or representation. It is helpful if it also sets out proposals for changes or mitigation that would overcome any problems identified.*"
- 2.2 Accordingly, Merton Grounds Farm has proposed an alternative solution – referred to here and in other formal objections (OBJ/189, OBJ/190, OBJ/191) as "The Orange Route". This alternative route proposes the use of the existing farm road between Merton Grounds and Langford Lane as a favourable means of linking into the new cross-country route to the public highway. Rights issues have already been satisfactorily addressed, along with the following points:
- (i) The Orange Route steers clear of the potential congestion and turning problems at Wendlebury Gate Stables/Bramlow;
  - (ii) It will enable large lorries and service vehicles to continue to deliver directly to both properties on Langford Lane (Alcester House and Bramlow), Wendlebury Stables, and both properties at Merton Grounds;
  - (iii) It mitigates some of the additional cost and inconvenience resulting from the closure of Langford Lane; and
  - (iv) It avoids sites of archaeological interest.

2.3 In OBJ/230, the owner and residents of Merton Grounds Farm Cottage stated their willingness to withdraw their objection to the Order application if Chiltern Railways were to redesign their diversion of the new access road to follow the Orange Route. Chiltern Railways have neither responded to nor acknowledged this offer.

### 3. Chiltern Railways' response to OBJ/230 via Ardent Ltd.

3.1 In response to OBJ/230, Ardent Ltd., acting on behalf of Chiltern Railways, contacted the owner and residents of Merton Grounds Farm Cottage by letter on 18 June 2010. Ardent's response includes a number of presumptions and inaccurate statements, *inter alia*:

- (i) A presumption that the owner's daily commute to Bicester "*would be much easier*" by virtue of the Chiltern Railways scheme<sup>1</sup>.
- (ii) Peremptory dismissal of the "Orange Route" counterproposal on the basis that it was premature to review alternatives: "*The Order application plans do not shown [sic] the proposed road layout, they simply show the land required for the road and bridge*" and "*detailed design has not been carried out*".<sup>2</sup>
- (iii) Failure to acknowledge the concerns of the owners and residents of Merton Grounds Farm and Merton Grounds Farm Cottage that they had not been directly informed or consulted about the Order application: "*You and your neighbours were certainly in the area where newsletters were delivered to.*"

3.2 In addition, Ardent Ltd. wrote to the owner of Merton Grounds Farm Cottage (email from Paul Clarke to Catherine Quinn dated 8 June, copy attached at Annex A) asking her to withdraw OBJ/230: "*Our aim is to remove as many objections before the Public Inquiry commences as is possible.*"

3.3 Rather than actively addressing residents' objections and responding to the alternatives they have offered, Chiltern Railways and its agents' approach appears to have been to "*remove*" them, in spite of the explicit encouragement in the Order application for "***proposals for changes or mitigation that would overcome any problems identified***".

3.4 As a consequence, the owner and residents of Merton Ground Farm Cottage are frustrated that their points have neither been addressed nor acknowledged appropriately by Chiltern Railways.

<sup>1</sup> Ardent's statement is incorrect. Daily commuting time, distance and inconvenience from Merton Grounds Farm Cottage to Bicester will increase significantly as a result of the closure of Langford Lane. See paragraph 1.9.

<sup>2</sup> Ardent's statement is incorrect. The Order quite clearly proposes a route ("The Red Route") which gave rise to OBJ/230 in the first place.

#### **4. Proposed Modification to Order application (CD/1.22/1 and CD/1.28)**

- 4.1 A proposed modification to the route outlined in Chiltern Railways' Order application was notified to the owner and residents of Merton Grounds Farm Cottage by Eversheds, acting on behalf of Chiltern Railways, in an Addendum to the Order application on 3 September 2010.
- 4.2 The proposed modification (termed "The Revised Alignment") proposes to extend the distance of the route diversion from Langford Lane to the public highway, making matters significantly worse for residents of Merton Grounds than under the Order application. The following paragraphs address the issues arising from Chiltern Railways' Revised Alignment.

##### **Increased inconvenience to residents**

- 4.3 The Addendum acknowledges that Chiltern Railways' Revised Alignment proposal increases the distance which residents will have to travel over and above that proposed in the Order: *"It is acknowledged... that the closure of the Langford Lane crossing and its replacement will entail greater travel distances for residents and others east of the crossing"* (p.11) .
- 4.4 Furthermore, paragraph 3.4 (p. 11) acknowledges that *"compared to the TWA Order Alignment there is an increase of 0.74 km eastwards which provides access to Bicester."*
- 4.5 In the same document, there is a conflicting claim (paragraph 2.1.2, p. 7) that *"The Revised Alignment would not result in a significant impact to users of vehicular transport... The distances to be travelled by road users are not significantly greater"*.
- 4.6 The latter not only contradicts other advice in the Addendum, but it is disingenuous: an extra 0.74 km distance of the Revised Alignment, on top of the additional 1.42 km proposed by the original Order, equates to a total additional 2.16 km per one-way journey for residents of Merton Grounds Farm and Merton Grounds Farm Cottage.
- 4.7 A typical resident's weekly travel (calculated as per paragraph 1.9 above) would therefore be increased as a result of the Order application and Revised Alignment an additional 38.88 km per week, or an additional 2,021 km per year – at a conservative estimate.
- 4.7 For the owner and residents of Merton Grounds Farm Cottage, whose livelihood depends on driving from Merton Grounds to Bicester *via* the sole access road (currently Langford Lane), the further increase in mileage required by the Revised Alignment is excessive and unreasonable – particularly where a practical alternative strategy (the "Orange Route" proposal) has been offered to mitigate the inconvenience to local residents.

## **Emergency services**

- 4.8 In its dismissal of the alternative “Orange Route” proposal, Ardent Ltd referred to the assurance posed by the Order Alignment that “Emergency Services [will] have...[a] shorter route to the highway from your property”.
- 4.9 The Revised Alignment will require the Emergency Services to drive even further from Bicester to reach an emergency at Merton Grounds. This is of natural concern to the residents and is not satisfactorily addressed in the Revised Alignment.

## **5. Summary**

- 5.1 The owner and residents of Merton Grounds Farm Cottage accept that the progress of the railway is, to some extent, inexorable and that there will be benefits to many as a result of a faster, safer rail network linking the Midlands with London.
- 5.2 What they do not accept, however, is that Chiltern Railways and its agents have given fair and reasonable consideration to mitigation factors where these might be favourable to local residents rather than to their own business plan.
- 5.3 Chiltern Railways have not to date provided any evidence that they have carried out reasonable due diligence on the alternative routing proposal put forward by Merton Grounds Farm (“The Orange Route”); nor have they acknowledged that this has the broad support of the majority of residents and landowners affected directly by the proposed closure of Langford Lane crossing.
- 5.4 On this basis, the owner and residents of Merton Grounds Farm Cottage have no alternative but to register a formal Objection to the Revised Alignment.
- 5.5 As notified in their original objection (OBJ/230), if Chiltern Railways agrees to adopt the “Orange Route” to redress the inconvenience to local residents caused by the closure of the Langford Lane crossing, the owner and residents of Merton Grounds Farm Cottage would be prepared to withdraw their formal Objections both to the original Order application and to the Revised Alignment – subject of course to sight and approval of the final design of the route.
- 5.6 Finally, we note that OBJ/230 is not currently listed on the Chiltern Railways (Bicester to Oxford Improvements) Order Public Inquiry website, and we trust that this can be corrected so that the record is complete.

## Annex A

From: Paul Clarke  
To: Catherine Quinn  
Subject: RE: FW: Proposed diversion of road  
Cc: ERM UK Chiltern Objections', chiltern objections

Date: Thursday, July 8, 2010 2:43pm

Catherine

As it appears that you won't be disadvantaged by the scheme in your journey to work, are you able to withdraw your objection to the scheme? Our aim is to remove as many objections before the Public Inquiry commences as is possible.

If not and you still have outstanding concerns, please let me know.

Regards,

Paul

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