

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

Statement of Case

This Statement of Case relates to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order (“the Order”) applied for by Chiltern Railways on the 6 January, 2010. The objection is made by Kier Ventures Limited on behalf of Worcester College, Oxford (“the College”). Kier Ventures holds a registered land interest in the Worcester College land by a Promotion Agreement exchanged on the 26 January, 2004.

The College owns land including [the Peartree Park and Ride facility site and the adjacent field to the south (referred to in this Statement as “the Peartree site”). Part of this land, being the parcels numbered 25003, 25004 and 25005 on the deposited plans and including the private road accessing the Peartree Park and Ride facility and the northern part of the field, is affected by the Order. The Order provides that Chiltern Railways can take temporary possession of this land to provide a working site and means of access to the railway in order to undertake the works to upgrade from single-track to double-track the line between Oxford and Bicester.

We understand from the Environmental Statement (“ES”) that a temporary construction compound is planned for this location. It will provide temporary facilities for accommodating and supporting the workforce and the pre-construction activities, temporary works, enabling works and construction of permanent works. This will typically include the temporary construction of management offices, car parking, a secure area for storing and servicing plant and equipment, pre-assembly of equipment, materials storage, canteens, drying rooms, toilets and security. According to the ES, it is estimated that during peak activity some 10 to 12 lorries per hour will arrive at the site.

The application documents explain that the works authorised by the Order are likely to be undertaken in phases. Phase 1 will include the creation of a double track route from Islip to just north of the Wolvercote Tunnel, thereby involving the section of railway adjacent to the Peartree site. The aim is to complete phase 1 in 12-15 months so that passenger services can commence from May, 2013. Phase 2A will include double track gauge enhancements at Wolvercote Tunnel, which may well take place after Phase 1 has been completed. The proposed construction compound at the Peartree site appears to be the nearest working site to the Wolvercote Tunnel.

The College also owns a small part of the land numbered 25001 on the deposited plans, although this is not acknowledged on the deposited plans. This land is within the limits of deviation for the works to upgrade the railway line.

Our principle objections to the Order may be summarised as follows:

- (a) the Peartree site is inappropriate for use as a working site because it forms part of the “Northern Gateway” in Oxford’s Core Strategy and Further Proposed Changes and is earmarked for Employment led mixed use development;
- (b) the Peartree site is inappropriate as a means of access to the railway for the same planning reasons;
- (c) use of the private road could conflict with the operation of the Peartree Park & Ride facility;

- (d) the operation of the railway (and, depending on timing, its construction) will result in increased noise, vibration and other disturbance which will have an adverse impact on potential occupiers of the Peartree site;
- (e) that part of the land numbered 25001 which is owned by the College, should be removed from land falling within the limits of deviation of the works.

We will now, in turn, detail these concerns below:

(a) Inappropriate Location for Working Site

Oxford City Council is progressing a Core Strategy that will strategically and spatially plan development across Oxford in the planning period 2006-2026. The Core Strategy has recently been through an examination in public which has been suspended until the 14 September, 2010 when it is due to be re-opened. The Inspector's report is likely to be with the City Council by the 31 October, 2010. The "Northern Gateway", on the northern edge of Oxford and in the vicinity of the Peartree roundabout, has been allocated in the submitted Oxford City Core Strategy and Further Proposed Changes documents as a strategic site for Employment led mixed use development under Policy CS6, with supporting infrastructure and complementary amenities. Following the submission of the Inspector's Report to the Council and the subsequent adoption of the Core Strategy and, on the assumption that the Northern Gateway site remains allocated, it is Kier's intention and that of the City Council to immediately proceed to the delivery of an Area Action Plan and twin-tracked Outline Planning Application.

The Order authorises temporary possession of a construction compound area at the Peartree site for up to five years after the day on which the Order comes into force (article 35(2)). It imposes no restriction on the length of time over which a working site may be used for construction as well as access and effectively allows Chiltern Railways to remain in possession of the working site for one year after completion of the work (article 29(3)(a)). Further, the ES makes provision for this working site not only to be used for the construction of the phase 1 work, but also for phase 2A. Phase 2A may well be implemented after rather than commensuratively with phase 1. While it may be Chiltern Railways' aim to complete phase 1 by May, 2013, it is possible on a worst case scenario that the land at the Peartree site which is affected by the Order may not be available for development until 2014 at the earliest and potentially much later on depending on the programme for phase 2A.

Clearly, the Peartree site is inappropriate as a working site as it will potentially frustrate implementation of the adopted Core Strategy for an unacceptable period. It is suggested that either all the working site requirements of this section of the railway be accommodated at the nearby Water Eaton construction compound; or, that a new working site be found outside of the Northern Gateway on land owned by Merton College which is currently Green Belt (on Continuation Sheet No. 24) to the north-east of the Peartree Service Area; or, alternatively that the working site/compound be reconfigured on the Worcester College land to allow initial development of the 'Northern Gateway' as well as use of part of the College land for Chiltern Railway compound purposes. The currently identified site on Sheet No.25 is not the only suitable location for the working site as noted above. Indeed, the alternatives would all still allow ready access to the railway line and the Wolvercote Tunnel Works and arguably would be more accessible for working site traffic.

The Chiltern Railways working site is hardly 'considerably' closer to the Wolvercote Tunnel as compared to the alternative locations suggested. Further, the alternatives are farther away from nearby residential properties than the chosen working site.

(b) Inappropriate Means of Access

The proposed access to the working area is inappropriate as a means of access to the railway as it would conflict in traffic movement terms with the operation and use of the Park & Ride facility. Access should be taken down the Pear Tree Hill Farm track, accessing the railway either along the disused railway line or adjacent to Pear Tree Hill Farm.

(c) Use of Private Road

The College owns the land occupied by the Park & Ride facility which is currently leased to the City Council, including the private road which accesses the facility. Whereas the Order authorises Chiltern Railways to take temporary possession of the private road, it is not clear how the road is to be used in conjunction with the proposed working site, but under the Order occupation of this land could potentially be exclusive and includes the right to construct temporary works or buildings on the site, thus preventing use of the Park and Ride facility.

Even if occupation is not exclusive, the arrival of some 10 to 12 lorries each hour would have a detrimental impact on customer and bus company access. We submit that the Order should not be made unless uninterrupted rights of access to the Park & Ride facility are maintained during the works period.

(d) Noise, Vibration and Other Disturbance

As and when the Peartree site is developed in accordance with the Core Strategy, it is likely to suffer from disturbance caused by the railway (once operational) including noise and vibration in excess of current levels by reason of faster trains running at an increased frequency. Should the works to the railway line also post-date development at the Peartree site, then it would also be blighted by the disturbance caused during the construction phase. If a working site is deemed acceptable at this location, then that would further exacerbate the disturbance in terms of noise, construction traffic, dust and so on to that part of the site not subject to temporary possession under the Order. The Order should not be made unless appropriate mitigation measures are put in place which will ensure that any negative impacts on the College's land are reduced to an acceptable level.

(e) Land Numbered 25001 on the Deposited Plans

The College maintains that it owns a small part of land shown as 25001 on the deposited plans. It would seem that either the limits of deviation have not been drawn correctly, or the books of reference and deposited plans have failed to include as a separate parcel that part owned by the College. The College submits that this piece of land should be removed from the scheme and the limits of deviation amended accordingly. The College's Land Registry Title Number: ON246429 and accompanying plan demonstrate the case that Network Rail's Land Plan Overlay is incorrect.