

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

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

**IN RELATION TO
THE OBJECTION AND EVIDENCE OF
PAUL AND DENISE WEST**

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 Paul and Denise West.
- 1.2 Paul & Denise West have not raised any additional points since their original letter of objection dated 27 January 2010. Chiltern Railways has previously addressed the points in the objection letter in its response to that letter.
- 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 Paul and Denise West 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 Paul and Denise West; dated 27 January 2010, 28 May 2010, 15th July 2010, 1 September 2010 and 27 October 2010, attached to this rebuttal proof as

Appendix A;

- “the Objectors” means Paul and Denise West;
- “the Objectors’ evidence” means the original objection letter of Paul and Denise West;
- “the Order application” means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010; and
- “the proposed Order” means the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

3 Chiltern Railways’ Rebuttal of the Objector’s Evidence

Context

- 3.1 The Objectors own about two hectares of land to the North of the Birmingham/London railway at the intersection with the Keynes line.

Access for Users of the Land, Ian Gilder

- 3.2 The Objectors state that, due to the development permitted by Cherwell District Council, the only access to their land is via footpath FP 129/3 as shown on the Revised Illustrative Rights of Way Plans [CD/1.21.1]. The Objectors do not have vehicular rights of access to their land.
- 3.3 The Objectors state that under the Order Scheme, footpath FP 129/3 is to be replaced, between points F1 and F2 (Work Number 8), with a footbridge shown on Drawing 508374I-RLS-BOX-CBR. The Objector states that the footbridge will make access to their land more difficult for themselves and the public. The Objectors state that it raises health and safety issues for cyclists, disabled people, the elderly and young mothers with push chairs attempting to negotiate a metal bridge with several flights of steps.
- 3.4 The Objectors state that as the proposed new railway chord will bisect Langford Brook Linear Park Chiltern Railways should give consideration to a tunnel to give access through the new chord and the existing London/Birmingham railway. The Objectors state that the tunnel could accommodate a cycle/footpath to suit the general public of all ages and abilities. The Objectors state that adequate lighting would be crucial.
- 3.5 The Objectors state that it would also provide proper access to their land for contractors maintaining open space under the control of Bicester Town Council.
- 3.6 The correct drawing reference is 508374 I-RLS-BOX-CBR-05140 which is provided in Stephen Barker’s appendices to his evidence [CRCL/P/6/B2 Figure 17]. The new chord line linking on to the London to Birmingham line, and the construction of a footbridge over this railway, will not reduce access to the objectors land. On both sides of the London to Birmingham mainline access is via an unmade public footpath

which is currently not suitable for the range of users suggested by the Objectors. As stated in paragraph 5.8 of the Public Rights of Way Report [CD/1.11] evidence from site visits suggest that the footpath is mainly used at present for recreational purposes, such as dog walking, rather than as an access route into the industrial area to the north of the railway or onward to the town centre. It should be noted that the path is a public footpath [FP 129/3] not a bridleway which strictly should exclude use by cyclists.

- 3.7 The new railway chord will not bisect what the Objectors call the Langford Brook Linear Park. The Proposals Map of the Non-statutory Cherwell Local Plan (2004) shows the site, owned by the Objectors, to the north of the London to Birmingham line as being potential open space under policies R1 and R3. The Objectors' land would have been land linked, via the footpath, with other areas of open space, eg to the south of Gavray Drive, to form a loosely defined 'linear park'. Since that time, the land to the North of Gavray Drive has been granted planning permission for housing, including open space, although this can only be linked to the Objectors' land via estate roads. The Objectors' land has since been identified in the Cherwell District Council Green Spaces Strategy Background Document (July 2008) as 'natural to semi-natural open space', but, unless this is taken forward into an LDF site allocations document, this has no planning status.
- 3.8 The construction of this footbridge, both in its design and placement meets all the requirements of the Oxfordshire County Council, as highway authority, and other statutory requirements. The construction of a tunnel under the new chord line is not required to meet those requirements. Cherwell District Council, as local planning authority, has no objection to a stepped footbridge at this location.
- 3.9 As stated in paragraph 11.76 of Ian Gilder's proof [CRCL/P/12/A], consideration was given by Chiltern Railways to the provision of a subway under the new railway chord, north of Gavray Drive. This was rejected in favour of a footbridge due to a range of issues including safety concerns, maintenance costs, problems of drainage and risk of flooding.
- 3.10 Even if a subway had been a suitable solution for access through the chord it would have not resolved the access constraints associated with the intersection tunnel under the main London to Birmingham line, for example, for the maintenance machinery required for the open space management mentioned by the Objectors. Appendix B provides a photograph of the pedestrian tunnel, into the Objectors' land.

4 Conclusion

- 4.1 This rebuttal responds comprehensively to the objection raised to accessibility of the Objectors land due to the construction of a footbridge. This rebuttal explains that the construction of this footbridge, both in its design and placement meets all the requirements of the Oxfordshire County Council as highway authority and statutory requirements, and the construction of the footbridge will not reduce access to the Objector's land.

Appendix A

CRCL/R/OBJ12

Relevant Correspondence
between Chiltern Railways
and the Objector

RECEIVED IN

29 JAN 2010

TWA ORDERS UNIT

OBJ/12

4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

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

27 January 2010

Dear Secretary

THE CHILTERN RAILWAYS
(BICESTER TO OXFORD IMPROVEMENTS) ORDER

We own about two hectares of land situated to the North of the Birmingham/London railway (opposite to the proposed Bicester Oxford Link Line to the south) at the intersection with the Oxford/Milton Keynes line.

At present, due to the development permitted by Cherwell District Council, our only access is pedestrian by footpath number 129/3 as detailed on Chiltern Railways document 'Environment Statement Non-technical Summary (Page 10 Open Space). In the original structure plan for south-East Bicester the local authority should have provided adjacent open space landscaped and including a footpath/cycle track some 10 metres wide with appropriate lighting. In its absence we rely on footpath 129/3 (from Gavray Drive) which is completely inadequate.

Footpath 129/3 is to be replaced, between points F1 and F2 (works number 8), with footbridge number 5083741-RLS-BOX-CBR. This will make access to our land even more difficult for ourselves and the public. The prospect of cyclists, disabled persons, the elderly and young mothers with pushchairs attempting to negotiate a metal bridge with several flights of steps is fraught with danger, it raises many health and safety issues. It must be noted the footpath, cycle track as detailed above was to be the preferred mode of transport to access the primary open space of Langford Brook Linear Park, to the town centre facilities and Bicester Town Station.

As the proposed link line with bisect Langford Brook Linear Park, would you give consideration to a tunnel through the new link and the Birmingham/London railway. This tunnel could accommodate the cycle/footpath with no interruption to the general public of all ages and abilities. Adequate lighting would be crucial. It would also provide proper access to our land and for contractors maintaining open space under the control of Bicester Town Council.

Yours faithfully

Paul West D.A. West

Paul and Denise West

*N.B. A tunnel must be provided to enable Langford Brook to
cross the rail network. F.P. 129/3 could be suspended and
become a F.P./cycle track and share the route of L. B. with
ENE, location map.*

Our Ref: PC/P3.2.3.15/EG3/001
Your Ref:

Mr and Mrs West
4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

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

28th May 2010

Dear Mr & Mrs West,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 12**

We refer to your letter dated 27 January 2010 addressed to the Secretary of State for Transport. The following are Chiltern's responses to your points of objection:

Your objection states that the new chord line linking on to the Birmingham to London Railway, and the construction of a footbridge over this railway, will reduce further the access to your land. The construction of this footbridge, both in its design and placement meets all the requirements as laid out by the Oxfordshire County Council rights of way officer and statutory requirements.

The construction of a tunnel under the new chord line is not required to meet the above requirements.

We have discussed this issue previously, but if you have any further questions on the comments above, please do not hesitate to contact me.

Yours sincerely,



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Berkshire . RG40 3YD
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e . info@ardent-management.com

Paul Clarke
Associate director

cc C Baker ERM
Enc

Our Ref: PC/P3.2/EG3/001
Your Ref:

Paul & Denise West
4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

Dir Tel – 07917 341614

E-mail – petergibbard@ardent-management.com

15th July 2010

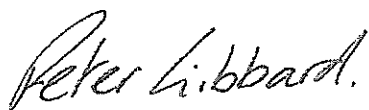
Dear Mr & Mrs West,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 12 – Paul & Denise West**

I am writing further to the letter we sent to you on 28.05.10 in response to your letter of objection, which was sent to the Department For Transport. We have not received any response to the letter we sent to you, I trust we have addressed all of your concerns.

If you do have any further questions in relation to the proposed Order or if we have not successfully addressed your concerns, please do not hesitate to contact the undersigned or Paul Clarke on paulclarke@ardent-management.com. If you feel that we have addressed your concerns with the above Order then you are able to withdraw your objection by writing to the Secretary of State for Transport. Ideally Chiltern will have no objections remaining at the Public Inquiry, we welcome the opportunity to work with you to achieve this position.

Yours faithfully,



Peter Gibbard
Assistant Surveyor

cc C Baker ERM

OBJ/12

4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

Mr P Gibbard
Ardent Management Limited
PO Box 350
Wokingham
Berks RG40 3YD

1 September 2010
Your Ref: PC/P3.2/EG3/001

Dear Mr Gibbard

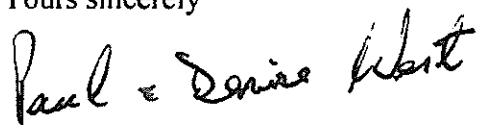
BICESTER TO OXFORD,
IMPROVEMENT ORDER OBJECTION 12

Further to your earlier correspondence, we can confirm that our concerns have not been assuaged and we intend to pursue our objections at the forthcoming enquiry.

We feel certain that a footbridge, even one that meets statutory obligations, provides inadequate access to our land and will be unsatisfactory for the general public's enjoyment of Langford Brook Linear Park open space.

We would be prepared to reconsider our objection if access was by an underpass/tunnel sufficient for pedestrians, cyclists, disabled persons and service vehicles or if you entered into meaningful negotiation to purchase the land and offer it as replacement open space. If your contractors need to use our land during the construction period we could consider a short term lease on the usual terms pertaining to open storage.

Yours sincerely



Paul and Denise West

085 12



Our Ref: PC/P3.2.3.15/EG3/001
Your Ref:

Paul & Denise West
4 Elderdene
Chinnor
Oxfordshire
OX39 4EE

Dir Tel – 07917 341614

E-mail – petergibbard@ardent-management.com

27th October 2010

Dear Mr & Mrs West,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 12 – Paul and Denise West**

I refer to your letter dated 1st September 2010. Will you please explain why you consider that the bridge as proposed will not be satisfactory for the public's enjoyment of the Langford Brook Linear Park. As we have written to you in the past, the bridge proposed meets all statutory requirements and the requirements of the Highways Authority, will you please explain why your view is different.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "Peter Gibbard".

**Peter Gibbard
Assistant Surveyor**

cc C Baker ERM

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Appendix B

CRCL/R/OBJ12

Photograph of the
Pedestrian Access under
the London to Birmingham
Railway

