

**OBJ 213
CLOSING
FOR
ROSEMARY HARRIS**

**In relation to the Transport and Works Act 1992
Transport and Works Act (Applications and objections
Procedure)
England and Wales Rules 2006
Chiltern Railways TWA Application 2010 to the Secretary of
State**

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NO JUSTIFICATION

1. Compulsory purchase requires justification. The Land required from 396 Woodstock Road is to enable Phase 2A, and, by association, 2B. Those works have nothing to do with Chiltern's main case, which is to do with Phase 1 and passengers.
2. Phases 2A and 2B are not subject to any analysis within Chiltern's evidence. Instead there is broad reference to the Strategic Rail Freight Network and to East West Rail's desire to connect the East Coast ports to the West Coast Main Line and to the West and South via Oxford.
3. The Department of Transport's document, Britain's Transport Infrastructure: Strategic Rail Freight Network: The Longer Term view dated September 2009, contains the map attached. That map does not show any railway connecting Felixstow to Milton Keynes directly and shows no more than what appears to be an aspiration for a freight route between Oxford and Bicester.
4. The text within the paper in paragraph 20.6 says "Routes for consideration for early capacity enhancement are likely to include The East-West Line (Oxford-Bedford with upgraded links to the West Coast Main Line (WCML) and MML0". That is to say, all we have is a route that is not certain but merely likely for "consideration".
5. Core document CD/1.4 refers to EWR at Key Objective 5 where the reference is to both passengers and freight. That word "Freight" appears just the once in the whole of that document.
6. There is slight reference to freight in the Chiltern's evidence but generally the notion is that it would be **convenient** to complete the Wolvercote Tunnel works and works elsewhere required for freight at the same time as Phase 1.
7. Mr Straker's opening made similar reference, e.g. at paragraph 36 he writes "The Strategic Freight Network includes the potential East West route from Oxford to Bletchley". That remark is an exaggeration. The map and text within the SRFN document at Paragraph 20.6 does not say that. Instead it refers to early "consideration".
8. In the same paragraph Mr Straker goes on to say,

"Thus, it would, frankly foolhardy not to provide, whilst providing for the Oxford - Bicester improvement, for those works necessary in the Wolvercote tunnel and elsewhere to enable the carriage of freight trains on a route of importance to the national economy".
9. However, no evidence has been presented to demonstrate that this route has any importance at all to the national economy.

10. Instead the notion is that this EWR scheme has a high benefit to cost ratio, paragraph 6.5 of CRCL/P/1/A, has to be set aside because (a) the passenger flows are sufficient for only one train an hour in each direction, and that that train will need only one half full carriage¹ (b) the relief of congestion on the road network, if it forms part of the evaluation, may very well be obtained at a fraction of the cost by improving the road junctions where the congestion arises.
11. Hence at the outset no compelling case has been made for Phase 2A and it is that phase which requires property from 396 Woodstock Road. Instead the matter rests on a presumption that, at some undefined time in the future, the route may be “considered”.
12. Furthermore, no alternatives have been examined.
13. It follows that, for lack of evidence and good reason, Phase 2 should be struck out.

PHASE 2

14. Construction noise from Phase 2A could extinguish Mrs Harris’ business at 396 Woodstock Road within weeks, or, if working restrictions saved the business for the time being, freight trains through the night will achieve the same result.
15. That may be avoided if the scheme is covered over for a distance of 300 metres beyond the property, although even then vibration may be intolerable.
16. It covering the scheme over is ruled out on cost grounds, or if vibration remained a determining factor (a) the order, if made, should be conditional upon compensation being paid before work starts and (b) compensation should be based on the presumption that the noise and vibration will extinguish the business.
17. The condition that payment should be agreed and settled before work starts is particularly important since, without it, those who are affected may face an endless and fruitless battle with many parties, some of whom may go bankrupt, to obtain compensation.
18. It would be quite wrong to settle for a wait-and-see approach, since, once the scheme is operational, intensification of its use would not provide a reason for claiming compensation.
19. Compensation should include all the costs associated with settling the claim.

None of the forging should be read so as to prejudice any of the other points made on behalf of Mrs Harris or so as to prejudice any matter settled in the Conditions Session or as a result of that session.

¹ Obj319/ paragrah 51)(b).



Key

- Proposed routes
- Core trunk routes: gauge cleared to at least W10
- Diversionary routes: Gauge cleared to at least W10
- Core trunk and diversionary routes, less than W10
- Dotted lines denote reopened routes