

**TRANSPORT AND WORKS ACT 1992: PROPOSED CHILTERN RAILWAYS  
(BICESTER TO OXFORD IMPROVEMENTS) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED PLANNING  
PERMISSION**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

**STATEMENT OF MATTERS**

This statement relates to the public inquiry to be held into the application by the Chiltern Railway Company Limited ("Chiltern Railways") for:

- (i) the above Order under the Transport and Works Act 1992; and
- (ii) a direction as to deemed planning permission for the development for which provision is included in the TWA Order.

It sets out pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of the application. These matters are as follows:

1. **The aims and objectives of, and the need for, the proposed connection between the London to Birmingham railway and the Bicester to Oxford railway and the proposed improvements to the line between Bicester Town station and Oxford station ("the scheme").**
2. **The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration, environmental and socio-economic benefits of the scheme.**
3. **The main alternative options considered by Chiltern Railways and the reasons for choosing the proposals comprised in the scheme.**
4. **The extent to which the scheme would be consistent with national and local planning, transport and environmental policies.**
5. **The likely impact on local residents, businesses and the environment of constructing and operating the scheme, including:**
  - (a) **noise and vibration;**
  - (b) **impacts on air quality;**
  - (c) **impacts on water resources and the risk of flooding;**
  - (d) **impacts on landscape and visual amenity;**
  - (e) **impacts on cultural heritage and archaeological remains, including the setting of scheduled ancient monuments;**

- (f) impacts on land use, including effects on commercial property and agricultural land and on rights of access; and**
- (g) the effects of the scheme on open space and Chiltern Railways' proposals for providing replacement open space having regard to PPG17: Planning for Open Space, Sport and Recreation.**

**6. The likely impacts of the scheme on users of the rights of way network, including:**

- (a) the impacts of constructing the scheme on road traffic in the area;**
- (b) the operational effects of the scheme on road traffic, including the effects of increased closure times at the London Road level crossing in Bicester; and**
- (c) the effects of the proposed permanent closure of road, footpath, bridleway and accommodation level crossings of the Bicester to Oxford railway line.**

**7. The likely impacts of the scheme on flora and fauna, including whether implementation of the scheme is likely to damage or destroy a breeding site or resting place of any species protected under the Conservation of Habitats and Species Regulations 2010 (“the 2010 Regulations”); and, if so, whether appropriate mitigation measures have been designed and licences applied for by Chiltern Railways under the 2010 Regulations.**

**8. In relation to the Oxford Meadows Special Area of Conservation (a “European site” under the 2010 Regulations):**

- a) whether the scheme (either alone or in combination with other plans or projects) is likely to have an adverse effect on the integrity of the site, having regard to the conservation objectives of the site and to the manner in which the scheme is proposed to be carried out by Chiltern Railways, including any proposed conditions or restrictions to which the draft TWA Order and deemed planning permission would be subject; and, if so,<sup>1</sup>**
- b) whether there are any alternatives to Chiltern Railways' proposals which are capable of achieving the objectives of the scheme, which are feasible and which would have less adverse impact on the integrity of the site or no such impact;**
- c) whether the scheme is necessary for imperative reasons of overriding public interest; and**
- d) whether compensatory measures can be secured which would ensure the overall coherence of the Natura 2000 Network.**

**9. Whether the scheme would be inappropriate development in the Green Belt in terms of PPG2: Green Belts and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other**

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<sup>1</sup> See note 2 at the end of this statement.

considerations, so as to amount to the very special circumstances necessary to justify the development; whether the proposed park and ride site at Water Eaton would meet the tests in paragraph 3.17 of PPG2.

10. The measures proposed by Chiltern Railways for mitigating any adverse impacts of the scheme, including:

- (a) the proposed Code of Construction Practice;
- (b) Chiltern Railways' Design and Access Statement;
- (c) the proposed diversions for rights of way stopped up under the draft TWA Order, including whether they would satisfy the requirements of section 5(6) of the TWA;
- (d) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and
- (e) whether, and if so, to what extent, any adverse environmental impacts would still remain after the proposed mitigation.

11. The adequacy of the Environmental Statement submitted with the application for the TWA Order having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and whether the statutory procedural requirements have been complied with.

12. The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

13. Chiltern Railways' proposals for funding the scheme.

14. Whether there is a compelling case in the public interest for conferring on Chiltern Railways powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by Chiltern Railways in order to secure satisfactory implementation of the scheme.

15. The purpose and effect of any substantive changes proposed by Chiltern Railways to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified.

## Notes

1. It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available to him, to be the principal ones that need to be addressed, this statement does not preclude the inquiry inspector from hearing evidence on any other matters that he may consider to be relevant to consideration of the

application. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any particular order of importance.

2. The information described at matter 8 is required to enable the Secretary of State to carry out an appropriate assessment for the purposes of regulations 61 and 62 of the Conservation of Habitats and Natural Species Regulations 2010 (S.I. No. 490). Unless it can be clearly established through the evidence presented to the inquiry that construction of the scheme would not have an adverse impact on the integrity of the Oxford Meadows Special Area of Conservation, the Secretary of State will need to be informed about the matters described at 8 (b), (c) and (d) to enable him to fulfil the requirements of the 2010 Regulations in respect of appropriate assessment.

**TWA Orders Unit  
Department for Transport  
25 August 2010**