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**THE NETWORK RAIL (OXFORD STATION PHASE 2  
IMPROVEMENTS (LAND ONLY)) ORDER**

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**STATEMENT OF CASE**

**OF**

**NETWORK RAIL**

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**The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order**  
*Statement of Case*

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**The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order***Statement of Case***GLOSSARY/ LIST OF ABBREVIATIONS**

DfT	Department for Transport
DIA	Diversity Impact Assessment
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
GPDO	Town & Country Planning (General Permitted Development) Order (England) 2015
LPA	Local Planning Authority
Network Rail	Network Rail Infrastructure Limited
NPPF	National Planning Policy Framework
ORR	Office of Rail and Road
ROGs	The Railways and Other Guided Transport Systems (Safety) Regulations 2006
SGN	Southern Gas Network
SMS	Safety Management System
SPD	Supplementary Planning Document
TOCs	Train Operating Companies
TW	Thames Water
TWAO	Transport and Works Act Order
UK	United Kingdom

# The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order

## Statement of Case

### 1. INTRODUCTION

#### 1.1 Foreword

- 1.1.1 On 4 June 2021, Network Rail Infrastructure Limited (Network Rail) applied to the Secretary of State for Transport for an Order (the Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order (the Order) **(NR1)** made under sections 1 and 5 of the Transport and Works Act 1992 (TWA 1992) **(B1)** for powers to acquire land to facilitate the Oxford Station Phase 2 Improvements; in this Statement of Case this is hereafter referred to as the “OSP2 Order application”.
- 1.1.2 The purpose of the Order is to facilitate improved capacity and capability on the “Oxford Corridor” (Didcot North Junction to Aynho Junction) to meet the Strategic Business Plan **(C2)** objectives for capacity enhancement and journey time improvements. As well as enhancements to rail infrastructure, improvements to highways are being undertaken as part of the works. Together, these form part of Oxford Station Phase 2 Improvements ('the OSP2 Project').
- 1.1.3 Following informal consultation undertaken prior to its making, statutory consultation on the OSP2 Order application was undertaken from 4 June to 24 July 2021. 28 objections and 2 representations and 3 letters of support have been received in response to the OSP2 Order application. At the time of submitting this Statement Case, Network Rail, through engagement and liaison with objectors has secured the withdrawal of 19 of those objections
- 1.1.4 On 16 August 2021, the Secretary of State for Transport announced that there would be a public inquiry into objections to the OSP2 Order application.
- 1.1.5 Rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004 **(B4)** requires Network Rail to provide a Statement of Case by 27 September 2021. This document is Network Rail’s Statement of Case. It sets out the particulars of the case that Network Rail intends to make in support of all of its applications at the public inquiry.
- 1.1.6 Appendix 1 is a list of the documents to which Network Rail currently intends to refer or put in evidence at Inquiry. These documents are available to view on the public inquiry website : <https://gateleyhamer-pi.com/en-gb/oxford-phase-2/>
- 1.1.7 In this Statement of Case, references to documents included in Appendix 1 are shown in **bold font**.

#### 1.2 Structure of the Statement of Case

- 1.2.1 The Statement of Case contains 11 sections, as follows:

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- **Section 1:** Introduction
- **Section 2:** The Applicant
- **Section 3:** The Application
- **Section 4:** The Case for the Order
- **Section 5:** The Oxford Station Phase 2 Improvements Project
- **Section 6:** Planning Position
- **Section 7:** Funding and Delivery
- **Section 8:** Human Rights and Equality Considerations
- **Section 9:** Acquisition of Land
- **Section 10:** Outstanding Objections
- **Section 11:** Conclusion

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#### **2. THE APPLICANT**

- 2.1.1 Network Rail owns and operates the rail infrastructure of Great Britain (the network). Its purpose is to deliver a safe, reliable and efficient railway for Great Britain.
- 2.1.2 Network Rail is primarily responsible for maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the network are operated by Train Operating Companies (TOCs) to which Network Rail, as facility owner, grants rights to use the network in the form of track, station, and depot access contracts approved by the Office of Rail and Road (ORR).
- 2.1.3 The activities of Network Rail as network operator are regulated by the ORR by means of a network licence granted under section 8 of the Railways Act 1993 (**B9**). The network licence requires Network Rail to secure the renewal and replacement of the network, and the improvement, enhancement and development of the network, in each case in accordance with best practice and in a timely, economic and efficient manner so as to satisfy the reasonable requirements of persons providing services relating to railways and funders in respect of the quality and capability of the network.
- 2.1.4 As the infrastructure manager, Network Rail is also under a duty as regards the safety of the network, principally under The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) (**B10**). The ROGS implement the EU Railway Safety Directive and require that any Infrastructure Manager or railway operator on the mainline railway must maintain a Safety Management System (SMS) and hold a safety certificate or authorisation indicating that the SMS has been accepted by the relevant safety authority, before being allowed to operate. The ROGs are EU-derived domestic legislation which continue to have effect in accordance with section 2 of the European Union (Withdrawal) Act 2018 (**B11**).



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## **3. THE APPLICATION**

### **3.1 The Order**

- 3.1.1 The Order does not contain any works powers, it is a land only Order which seeks powers to acquire land, rights over land, and temporary use of land to facilitate delivery of the OSP2 Project, as detailed further in sections 5 and 6 of this Statement of Case
- 3.1.2 Network Rail submitted an application to Oxford City Council for Prior Approval (**NR12-NR19**) of the structural elements of the proposed OSP2 Project under Schedule 2 Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (**B13**).
- 3.1.3 The details of that Prior Approval application are set out in Section 6, and the need which it is intended to address is detailed in Section 4. The OSP2 Order application was made for the purpose of securing the necessary land and rights to deliver the OSP2 Project.
- 3.1.4 The Order, if made, would:
- a) confer powers of compulsory acquisition on Network Rail to acquire land and temporarily use of land to facilitate the construction of the OSP2 Project;
  - b) extinguishment of third-party interests in land; and
  - c) the closure and extinguishment of rights in relation to a disused level crossing.

### **3.2 The Order Land**

- 3.2.1 The Order Land comprises a total of 40 plots. Permanent acquisition powers are sought in respect of 26 of those plots. Temporary use only is sought in respect of the remaining 14 plots. The acquisition powers which are sought are detailed more fully in section 7.
- 3.2.2 The majority of the Order Land comprises land abutting the existing Oxford Station and its environs on the west of the railway. In addition, land forming and adjacent to Botley Road and Cripsey Road is required and land forming the private road (Roger Dudman Way). Additional land is required south of the existing Oxford Station on the east of the railway within the existing Botley Road car park.

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### **3.3 Application documents**

3.3.1 The OSP2 Order application comprises the following documents as required by 2006 Rules **(B3)**:

- (a) Transport and Works Act Order Application Letter **(NR1)**;
- (b) Draft of the proposed Order **(NR2)**;
- (c) Explanatory Memorandum **(NR3)**;
- (d) Statement of Aims **(NR4)**;
- (e) Funding Statement **(NR5)**;
- (f) Estimate of Costs **(NR6)**;
- (g) Consultation Report **(NR7)**;
- (h) Book of reference **(NR8)**;
- (i) Land plans **(NR9)**;
- (j) List of consents, permissions or licences under other enactments **(NR10)**; and
- (k) Rule 18 Waiver **(NR11)**.

### **3.4 Other consents**

3.4.1 The List of consents, permissions or licences under other enactments **(NR10)** (the Other Consents List) sets out the other consents which have been sought or are likely to be required to deliver the proposed development. A Prior Approval application has been submitted for the OSP2 Project **(NR12 – NR19)**. This is explained in detail in section 6.

3.4.2 The Other Consents List identified the potential need for a demolition notice pursuant to section 80 of the Building Act 1984 **(B20)** and temporary traffic regulation orders pursuant to the Road Traffic Regulation Act 1984 **(B21)**.

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#### **4. THE CASE FOR THE ORDER**

##### **4.1 Introduction**

- 4.1.1 Network Rail has submitted an application to the Secretary of State for Transport for an order under the Transport and Works Act 1992. The proposed order is termed the Network Rail (Oxford Corridor Phase 2 (Land Only)) Order ('the Order').
- 4.1.2 The purpose of the Order is to facilitate improved capacity and capability on the "Oxford Corridor" (Didcot North Junction to Aynho Junction) to meet the Strategic Business Plan (C2) objectives for capacity enhancement and journey time improvements. The Oxfordshire Housing & Growth Deal and Oxford-Cambridge Arc identify significant growth and development within the Oxford Corridor and accordingly Oxfordshire's rail network requires improvement to be able to provide the necessary capacity to support this growth. As well as enhancements to rail infrastructure, improvements to highways are being undertaken as part of the works. Together, these form part of OSP2 Project.
- 4.1.3 The OSP2 Project forms part of a package of rail enhancement schemes which deliver significant economic and strategic benefits to the wider Oxford area and the country. The enhanced infrastructure in the Oxford area will provide benefits for both freight and passenger services, as well as enable further schemes in this strategically important rail corridor, including the introduction of East West Rail services in 2024.
- 4.1.4 The Order would, if made, confer statutory powers for Network Rail to compulsorily acquire the land and rights required to facilitate the construction of the OSP2 Project.
- 4.1.5 Rail is a key element of Oxfordshire's transport system, with over 20.5 million journeys made to and from Oxfordshire stations in 2018-19. Journeys to and from stations in Oxfordshire have increased by 69% in the 10 years to 2019 against a UK average of 42%.
- 4.1.6 Oxford station is by far the busiest of Oxfordshire stations with 8.27 million journeys in 2018-19, an increase of 63% over ten years. Oxford is the 5th busiest station in Network Rail's Wales & Western region.
- 4.1.7 Oxfordshire holds a strategically vital position for rail freight, particularly for intermodal and automotive flows between the Port of Southampton and the Midlands. Rail freight has an important environmental role, both as a source of emissions and as a means of inducing modal shift from road haulage which is

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relatively a far greater source of emissions. Supporting rail freight growth is therefore instrumental to improving environmental outcomes.

- 4.1.8 Future projections suggest that passenger numbers at Oxford Station will grow significantly over the next 15 years. With the introduction of the December 2019 timetable, Oxford Station is nearing full capacity and cannot robustly accommodate the further growth and service enhancements planned to be introduced in 2024.
- 4.1.9 The constraints at Oxford Station include both platform availability and pedestrian flow capacity, restricting the transition of journeys from private car to public and active modes of transport.
- 4.1.10 Botley Road Bridge is a significant constraint to both the road and rail network. Public consultation has identified the bridge as a major disincentive to cycling to the railway station, bus station, and wider city centre from the west due to the narrow width of the highway and footpaths. Furthermore, road clearances are currently too constrained to enable standard height double-decker buses to travel under the rail bridge.
- 4.1.11 Investment delivered between 2014 and 2019 led to significant improvements to rail capacity in the Oxford corridor through 3 separate projects. The combined outputs of Oxford Corridor Phase 0 and 1, East West Rail Phase 1, and Southampton Freight Train Lengthening (STFL) led to the provision of a passenger connection between Oxford and the Chiltern Mainline at Bicester, an additional bay platform at Oxford station for Chiltern Railways services to London Marylebone, additional track to allow the extension of freight trains, and re-signalling works to maximise the potential of the existing track layouts. However, elements of the scheme were deferred, which has meant the creation of a railway fit for the needs of the 2020s and 2030s is yet to be completed.
- 4.1.12 Oxford Phase 2 is the critical enabler for any further service increases into Oxford and is required by December 2024 to provide the required infrastructure to successfully deliver and operate the 2024 train service specification, accommodating East West Rail and supporting wider rail proposals under the Oxfordshire Connect Programme.
- 4.1.13 Improving rail's service offering is vital to support wider benefits including connectivity to jobs and housing as well as supporting regional economic growth.

**The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order***Statement of Case***5. THE OXFORD STATION PHASE 2 IMPROVEMENTS PROJECT****5.1 Introduction**

5.1.1 The options for the location of Oxford Station have been limited since its original construction. The provision of additional platform capacity at Oxford Station is severely constrained by the surrounding land which means that only a narrow strip of land to the west and to the east are available for the construction of a new platform.

5.1.2 These constraints mean that any expansion of Oxford Station requires a Transport and Works Act Order (TWAO) for land acquisition outside of Network Rail's ownership. The Order provides for compensation for compulsory interests and new rights.

**5.2 Oxford Station Issues and Constraints**

5.2.1 Oxford Station has reached full capacity and requires improvement to be able to accommodate the Oxford train service enhancement proposed for 2024. The station facilities are based around those provided during the last major rebuild of Oxford Station in 1990, at a time when passenger numbers and anticipated growth was at an historical low.

5.2.2 Oxford Station has insufficient platform capacity to accommodate proposed additional passenger trains. In the existing timetable, trains are often held outside the station to wait for a through platform to become available, and services have long turnaround times in the bay platforms until paths become available on the Chiltern Main Line.

5.2.3 Pedestrian flows in Oxford Station are forecast to become non-compliant before 2024. With the forecast increased demand, the footbridge between Platforms 3 and 4 will exceed its peak capacity and lead to unacceptable crowding at the foot of the stairs.

5.2.4 At the southern end of Oxford Station, an underbridge carries the railway over the A420 Botley Road. This bridge restricts the maximum permitted speed of the line that exits Platform 3 towards the south and forces all the tracks into an alignment that is difficult to maintain. Public consultation undertaken by Oxfordshire County Council has identified the bridge as a major disincentive to cycling to the station, bus station and wider city centre from the west due to the narrow width of the highway and footpaths, particularly on the north side.

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- 5.2.5 Furthermore, road clearances under Botley Road Bridge are currently not sufficient to enable standard height double-decker buses to travel under the railway bridge, as a consequence the local highway authority has to use special buses for this route.
- 5.2.6 The increased use of Oxford Station as an interchange, following the introduction of the London Marylebone services, is also notable as there has been no increase in waiting rooms or improved retail offer, leading to additional waiting on platforms. This will become an exacerbated issue following the introduction of East West Rail services which are currently specified to terminate at Oxford.
- 5.2.7 The combination of these issues contributes to low levels of passenger satisfaction with Oxford Station. The 2018 National Rail Passenger Survey, undertaken by the passenger group Transport Focus, found that amongst the 56 stations with more than 100 respondents, Oxford was ranked third worst.
- 5.2.8 For these reasons, improvements have been identified as an urgent priority by Oxfordshire's local authorities, to ensure the station can form part of plans for a regional transport hub and an international gateway to the city.

### **5.3 Improvements to Oxford Station**

- 5.3.1 The works at Oxford Station comprised in the application for Prior Approval, which requires the land, rights and temporary use of land as proposed in the Order, are summarised as follows:
- A new through platform on the west side of Oxford Station to form a second face to the existing Platform 4, including additional waiting facilities, toilets, retail units and construction of a new canopy along the platform length.
  - New track connections to the line from new Platform 5, which will allow trains to leave both Platform 4 and 5 at the same time.
  - A new western station entrance from Roger Dudman Way, off Botley Road.
  - A new span over Botley Road to accommodate the additional downside platform. This will incorporate highways improvements to provide a dedicated cycleway and footpaths and improve the road gradient and clearances below the bridge to allow the use of normal height double decker buses, as well as passive provision for an additional span to the east.
  - Re-routing of Roger Dudman Way, removing the junction where it joins Botley Road and creating a new access onto Cripsey Road.
  - Replacement of road span of Sheepwash Bridge and adjoining footbridge structure on a new alignment.

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5.3.2 Network Rail has extensive permitted development rights under Part 18 of the General Permitted Development Order (GPDO) 2015 (**B13**). A requirement of Part 18 of the GPDO (Prior Approval), a separate application for Prior Approval (**NR12 – NR19**), has been submitted to Oxford City Council as Local Planning Authority; the Prior Approval process is engaged where works are proposed to buildings, bridges and alterations to the highway.

5.3.3 To facilitate the construction of the OSP2 Project, Network Rail is seeking powers under the Order to acquire compulsorily the necessary land and rights and to extinguish third party rights over certain parts of the Order Land. The Order is therefore necessary to enable Network Rail to carry out the works identified in paragraph 5.3.1 above.

## **5.4 Key Objectives**

5.4.1 The project unlocks physical and timetabling constraints at Oxford Station, delivering additional performance and capacity to enable the introduction of new services necessary to unlock wider economic benefits.

5.4.2 The outcomes delivered by this scheme include:

- Platform capacity at Oxford to accommodate an additional 3 trains per hour into Oxford. This is to enable the introduction of East West Rail and Chiltern Railways services, providing improved connectivity to Banbury, Birmingham and throughout the Oxford-Cambridge Arc in support of planned housing and jobs growth.
- Journey time improvements for passengers using Platform 4 travelling west on Botley Road.
- Pedestrian flows through the station that are compliant to industry standards for existing and forecast demand growth, supporting the attractiveness of rail as a transport mode.
- Improved road safety through dedicated cycleways through Botley Road underbridge and improved height clearance for buses, to enable a modal shift from cars to active and public modes of transport from West Oxford.
- Extensive public realm improvements.
- Support for future electrification through Oxford Station, by rebuilding the canopy on Platform 4 that would be non-compliant with overhead line electrification masts.

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- Enables the future re-development of the east side of the station by providing an additional station entrance for use during construction works.
- Additional capacity to enable further service enhancements to align with connectivity improvements identified in the Oxfordshire Rail Corridor Study **(D18)** and Midlands Rail Hub.
- Catalyse major adjacent development opportunities in Oxford's West End, alongside the station development, by improving connectivity and accessibility. This will help accelerate the creation of high value, productive growth in the city centre and wider region.
- Enable /support housing growth proposed in the Oxford-Cambridge Arc.
- Contribute to decarbonisation by encouraging the move away from private car to train use and through the ability to support increased rail freight capacity.



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## 6. PLANNING POSITION

### 6.1 Introduction

- 6.1.1 Whilst this Order is for land issues only and does not seek authorisation for planning permission the intention of section 6 of this Statement of Case is to provide context and explain how approval is being sought for these works through the town planning legislation.
- 6.1.2 Network Rail has extensive permitted development rights under Part 8 and Part 18 of the General Permitted Development Order (GPDO) (**B13**) and does not require an application for full planning permission for the OSP2 Project This section of the Statement of Case outlines the background to the submission of the Prior Approval application (**NR12-NR19**) under Part 18 of the GPDO that was submitted to and validated by Oxford City Council as Local Planning Authority (LPA) on 28 July 2021 (**NR20**). It is now being considered under the Council's application reference 21/02007/PA18.
- 6.1.3 The two previous applications submitted to the LPA to extend Oxford Station in 2010 and 2015 were both approved on the basis of Prior Approval under LPA ref 10/01414/CONSLT (**NR22**) and 15/00096/PA18 (**NR21**).
- 6.1.4 In relation to the current proposals and by way of background, Network Rail submitted a formal pre-app to Oxford City Council which outlined a consenting strategy of Prior Approval under Part 18 of GPDO and suggested topics to be included in the Environment Statement (ES) (**NR16-NR19**) as Network Rail assumed that the LPA would deem the project to be EIA development. (The same consenting strategy of Prior Approval to the LPA with accompanying ES was used for the now constructed Reading Station development which involved alterations to the highway, redevelopment of the railway station, relocated train maintenance depot and sidings, railway maintenance delivery unit and a completely new railway flyover/viaduct with a separate TWAO submitted to DfT to deal with land only issues).
- 6.1.5 Detailed and technical plans with covering letter were submitted for feedback showing a baseline railway project and changes to the highway network in November 2018. A combined response from both the City and County was received in March 2019.
- 6.1.6 The overall conclusions of the response from both authorities was that the proposed development would be welcomed in principle and in terms of facilitating improvements to the rail network. There were suggestions further consideration

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was needed for specific aspects of the proposals and the Councils were willing to engage in further conversations.

- 6.1.7 Since the receipt of pre-app advice just over 2 years ago, the design of the project has evolved and adapted both in highway design and station building.
- 6.1.8 As outlined above, this proposal has been submitted to Oxford City Council under Part 18 Class A to Schedule 2 of the GPDO 2015 (**B13**) as permitted development. It does not require full planning permission, but the LPA must give its "prior approval" of the scheme to the siting and appearance.
- 6.1.9 Part 18 of the GPDO is applicable to developments which were initially authorised by an Act of Parliament. The station and existing associated railway land around it were constructed under various authorising Acts of Parliament, as noted below:
- Oxford and Rugby Railway Act 1845 (**B16**)- authorising act for the line between Oxford and Rugby - now known as the DCL;
  - Great Western (Additional Powers) Act 1865 (**B17**) - authorised the purchase of lands in the Parish of St Thomas, Oxford near Oxford Station;
  - Great Western Railway (Further Powers) Act 1866 (**B18**) - authorised the purchase of lands; between River Sheepwash Bridge and Castle Mill Stream Bridges and the stopping up and construction of Osney Lane Footbridge; and
  - Great Western Railway (Additional Powers) Act 1936 (**B19**) - authorised the purchase of lands to allow the widening of River Sheepwash Bridge.
- 6.1.10 Each of these Acts of Parliament give provisions to, and bestows upon the railway company and its successors (Network Rail) the power to make developments necessary to the running and management of the railway; including the erection, construction, alteration or extension of any building or bridge and the formation, laying out or alteration of a means of access to any highway used by vehicular traffic. Therefore, whilst Network Rail has submitted comprehensive plans and drawings of all elements for the OSP2 Project (**NR12-NR19**) not all of these elements actually require Prior Approval. This is illustrated further in the submitted ES where all elements of the OSP2 Project such as temporary works are assessed albeit these in themselves would not need Prior Approval.
- 6.1.11 The hereby proposed works are therefore permitted development, as outlined in Part 18 Class A of Schedule 2 of the GPDO. Paragraph A.2 of Part 18 (**B13**) sets out the process by which the LPA can give Prior Approval and comment on the proposals. It states:

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- 6.1.12 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that -
- a) *the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or*
  - b) *the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.*
- 6.1.13 The LPA may consider only the design, materials, or siting of the project to ensure that development 'would not injure the amenities of the neighbourhood' and be satisfied that it could not be 'reasonably carried out elsewhere'.
- 6.1.14 Whilst the application as submitted does not need full planning permission and can only be considered on issues of siting and amenity, the supporting planning statement (**NR14**) submitted with this application does consider both the national, strategic and local planning policy framework.
- 6.1.15 The Development Plan comprises the Oxford Local Plan 2036 (**D6**), adopted in June 2020. The policies contained within the local planning policy documents of relevance to the OSP2 Project are Policies S1, RE1, M1, AOC1 and SP1. In addition the Oxford Station Supplementary Planning Document, November 2017 (**D11 – D17**).
- 6.1.16 The other relevant policy documents which have been considered in the supporting planning statement include the National Planning Policy Framework (**D1 and D5**) and the Oxford Economic Growth Strategy (**D7-D9**) and Connecting Oxfordshire - Local Transport Plan (**D10**).
- 6.1.17 As part of the planning evidence before the Public Inquiry Network Rail will demonstrate that the OSP2 Project is supported by planning policy.
- 6.1.18 Whilst the issues of siting and design/amenity are the only issues for the LPA to consider under Prior Approval in this application, Network Rail has carried out an environmental assessment and submitted an ES (**NR16-NR19**) (which considers the potential environmental impacts of the overall project works and proposes mitigations to address those potential concerns).
- 6.1.19 The town planning issues as well as design and access matters particularly linked to amenity and siting are summarised in two of the reports submitted with the application. The Network Rail planning statement (**NR14**) discusses the overall project including the development/ evolution of the various designs considered for the station building and the separate design and access statement (**NR15**) written

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by Network Rail's architects focuses on the public realm, station building and other architectural enhancements to the original project design report which are linked to the requirements of the Prior Approval.

- 6.1.20 The ES provides a much more detailed assessment linked to the requirements of the EIA Regulations as well as a planning policy evaluation to the overall scheme on many issues that are not necessarily relevant to the determination of the Prior Approval itself.
- 6.1.21 The EIA Regulations serve a different purpose when considered against the requirements of Prior Approval under Part 18 of the GPDO (**B13**), which only requires the local authority to consider siting and amenity. However, Network Rail has assessed the project under the EIA Regulations which provides a robust environmental assessment of the works during and post construction. The ES (**NR16-NR19**) presents the information required to consider the potential likely significant environmental effects of the OSP2 Project. The scope of the ES was agreed by the LPA in a letter dated 5 January 2021.
- 6.1.22 The ES submitted with this application is presented in four volumes:
- Volume 1: Non-Technical Summary. (**NR16**)
- Volume 2: Main Report. (**NR17**)
- Volume 3: Book of Figures. (**NR18**)
- Volume 4: Supporting Technical Appendices. (**NR19**)
- 6.1.23 Volume 1 consists of a Non-Technical Summary which provides a concise description of the OSP2 Project, development alternatives, environmental impacts, mitigation measures and residual effects. The Non-Technical Summary is designed to give information on the OSP2 Project to a wide and non-technical audience and to assist interested parties with their familiarisation of the project.
- 6.1.24 Volume 2: The Main Report, and comprises: Introductory chapters (Chapters 1 to 4) which: introduce the OSP2 Project; provide a description of the study area; outline the history of the OSP2 Project and main alternatives considered; give a description of the OSP2 Project; and detail the approach to the environmental assessment. Chapter 5 describes the legislative and planning framework. Technical assessment chapters (Chapters 6 to 15) detail the results of assessment; impacts arising; and proposed mitigation measures. The topics covered are: air quality and odour; geology and soils; historic environment; landscape and visual; noise and vibration; population; human health; traffic and transport, water resources and flood risk and cumulative effects. The concluding chapter (Chapter 16) provides a summary of the

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residual effects identified in Chapters 6 to 14, together with a summary of the mitigation measures identified.

- 6.1.25 Volume 3: comprises supporting figures.
- 6.1.26 Volume 4 provides a set of technical appendices including technical reports, surveys and data which have informed the EIA and preparation of the ES. This information is supplied as a separate volume to prevent the main body of the ES becoming excessively long and cumbersome.
- 6.1.27 Oxford City Council as LPA registered the application on 28 July 2021 under reference 21/O2007/PA18 in letter dated 30 July 2021 and confirmed it complies with statutory requirements (**NR20**). As the application has been submitted with an accompanying ES under the EIA Regulations the time limit for determination is 16 weeks which will be 17 November 2021.
- 6.1.28 The application is due to be presented to the Oxford Planning Committee and a provisional date has been set as 9 November 2021.
- 6.1.29 There have been no objections to the application from the wider public and local residents apart from Christchurch College, which appears to be primarily concerned with the impact on its significant land and property holdings in the area. There has been one statutory objection from the Environment Agency, which is in the process of being resolved and a formal response has now been submitted. The County has now made a very late consultation and has confirmed it is not objecting to the OSP2 Project and has suggested two planning conditions to be included in a decision notice. The County have expressed some concerns on technical matters that would be outside of the Prior Approval and would be picked up through other legal agreements between Network Rail and the County. On the basis that a s278 agreement can also be entered into for any works that affect the public highway, it is anticipated that this can adequately deal with the County's requirements. No other statutory bodies such as Historic England nor Natural England have objected to the OSP2 Project.

## **6.2 Conclusion**

- 6.2.1 On the basis that the Environment Agency's objection will be shortly resolved and the County Council's position dealt with by a s278 agreement and other legal agreements as necessary, it is not anticipated that the single objection from Christchurch College will form an impediment to the LPA recommending that Prior Approval be granted. It is therefore expected that Prior Approval will be granted in advance of the Public Inquiry.

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- 7.1.1 The costs for implementing the works comprised in the OSP2 Project together with the costs of acquiring the land comprised in the Order will be met from the Rail Enhancements Budget allocated to Oxford Phase 2 in line with the Rail Network Enhancement Pipeline policy.
- 7.1.2 Funding continues to be available for the OSP2 Project following the Spending Review 2020 and it has been identified as a priority within the Rail Enhancements Portfolio **(D19)**.
- 7.1.3 The OSP2 Project spans two railway investment periods; Control Period 6 (2019-2024) and Control Period 7 (2024-2029) with the anticipated allocation to be £119 in CP6 and £42 million in CP7.

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## **8. HUMAN RIGHTS AND EQUALITIES**

### **8.1 Human Rights**

8.1.1 The Human Rights Act 1998 (HRA 1998) (**B14**) prohibits public authorities from acting in a way that is incompatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention). The following Articles are of particular relevance in the context of the OSP2 Order application:

- a) Article 1 of the First Protocol to the Convention (A1P1), which entitles every person to the peaceful enjoyment of property;
- b) Article 6, which protects a person's right to a fair and public trial and hearing (including where a public authority is making a decision that has an impact upon civil rights or obligation);
- c) Article 14, which requires all of the rights and freedoms set out in the HRA 1998 to be protected and applied without discrimination.

8.1.2 A1P1 is a qualified right, being subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The European Court of Human Rights has recognised in the context of A1P1 that regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole. Both public and private interests are to be taken into account in striking this balance.

8.1.3 The OSP2 Order, if made and implemented, would entitle Network Rail to compulsorily acquire land, interests in land, and rights over land, thereby interfering with rights under the HRA 1998. These rights have been taken into account in respect of the OSP2 Project.

8.1.4 The OSP2 Project is necessary to improve connectivity and capacity at Oxford Station and to accommodate future growth in the area. The OSP2 Project will improve journey times to and from the Oxford and support its ongoing growth as a global centre for education and research. The OSP2 Project will also significantly improve pedestrian, cycling and public and private transport access to Oxford City Centre through the proposed improvements to Botley Road.

8.1.5 Those whose interests are acquired under the OSP2 Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase compensation code, assessed on the basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring

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interests to Network Rail will also be paid. The Compensation Code has been held to be compliant with A1P1.

- 8.1.6 The compulsory acquisition of land, and rights in land, is necessary to facilitate the delivery of the OSP2 Project. It is considered that any interference with the rights under the HRA 1998 is lawful, proportionate to the public benefit that will be derived from the OSP2 Project and in the wider public interest in order to secure the benefits resulting from the delivery of the OSP2 Project (as summarised in Section 5). Any interference is therefore considered justified.

## 8.2 Equalities

- 8.2.1 Network Rail has complied with the public sector equality duty set out in s149(1) of the Equality Act 2010 **(B15)** and, in preparing the OSP2 Order, has engaged with affected parties (as set out in Section 10).
- 8.2.2 Network Rail has carried out a Diversity Impact Assessment (DIA) **(C1)** to help inform the design development and construction planning for the OSP2 Project. The DIA sought to identify and suggest ways to remove or mitigate any adverse effects for people sharing protected characteristics as well as to enhance the equality benefits of the completed project. The DIA will be refreshed in advance of the Public Inquiry.



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## **9. ACQUISITION OF LAND**

### **9.1 Overview**

- 9.1.1 The land which is intended to be acquired or used for the construction, operation and maintenance of the OSP2 Project is identified on the deposited land plans **(NR9)**, draft Order **(NR2)** and Book of Reference **(NR8)**.
- 9.1.2 The Order, if made, will grant Network Rail powers to compulsorily acquire the land, rights needed and temporary possession of land, to deliver the OSP2 Project.
- 9.1.3 Powers are sought in the draft Order to acquire and use the land as follows:
- a) permanent acquisition of land and property;
  - b) temporary use or possession of land for construction purposes;
  - c) access to land and property to carry out surveys and (if required);
  - d) extinguishment of private rights over a disused level crossing; and
  - e) extinguishment of private rights in land.

### **9.2 Justification for the acquisition and use of the land and property**

- 9.2.1 The permanent acquisition of land and property is required for the purposes of the constructing the new Platform 5, and Platform 5 track, new secondary station entrance on the western side of the railway, the replacement and upgrade of Botley Road bridge and to replace and realign Sheepwash Bridge. Those plots identified for permanent acquisition (including air rights and extinguishment of third party rights in land, where appropriate) are coloured pink on the deposited land plans and comprise include Plots 7, 10, 12, 13, 16, 17, 17b, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 30a, 31, 31a, 33, 34, and 35.
- 9.2.2 Temporary use of land is required to enable the construction of the OSP2 Project where that land will not be required for the future operation of the authorised works. Temporary possession of land is necessary for the provision of construction compound areas, works access areas, ability to moor and/or anchor vessels or construction platforms in the Sheepwash Channel and the ability to permit third parties to pass and repass over Roger Dudman Way (a private road) during the construction process if needed, together with the ability to improve the road to facilitate its safe use. The Order, if made, would allow Network Rail to take temporary possession of an area of land to facilitate the relocation of the Co-op Childcare nursery if needed (plot 40).

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- 9.2.3 Access to land and property to carry out surveys is also required to enable Network Rail to minimise the effects of construction of the OSP2 Project on existing land and property.
- 9.2.4 Powers are also sought to close and extinguish any rights over the disused level crossing known as Oxford Station Emergency level crossing over Botley Road (plot 34).
- 9.2.5 In accordance with Rule 15 of the Transport and Works Act Application Rules 2006 **(B3)**, notices have been served by Network Rail on the owners, lessees and occupiers of land affected by the OSP2 Project as set out in the Book of Reference **(NR8)**.
- 9.2.6 Network Rail's aim is to minimise the use of compulsory purchase and, in an effort to achieve that, it continues to negotiate with affected landowners.

**9.3 Summary**

- 9.3.1 The powers over land and proprietary rights sought in the draft Order are to facilitate the construction of the OSP2 project and have been limited so far as possible to ensure that they are only those necessary for the requirements of the OSP2 Project.
- 9.3.2 Network Rail considers there is a compelling and justified case in the public interest for these powers and proprietary rights to be granted as part of the proposed Order.

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#### **10. SUPPORT, REPRESENTATIONS AND OBJECTIONS**

- 10.1 Following the expiry of the representation period to the Order Application, 28 objections, 2 representations and 3 letters of support have been received. At the time of writing this Statement of Case 19 of those objections have been withdrawn (with a further 2 objections anticipated to be withdrawn imminently).
- 10.2 Network Rail has contacted all objectors and remains willing to meet with them to discuss the concerns raised. A number of meetings have already taken place and continued engagement takes place with the main affected landowners.
- 10.3 Where the Order seeks compulsory powers to take temporary possession of land or to permanently acquire interests in land, Network Rail's objective is to continue engagement with the affected landowner and to reach acceptable terms to address the concerns raised in the letter of objection, and where appropriate, Network Rail is willing to enter into legal agreements to secure the assurances and commitment offered.
- 10.4 The following sections below, identifies each outstanding objection, summarises the issues raised by each objector and outlines Network Rail's summary response and update. A more detailed response to the remaining objections will be provided in Network Rail's evidence to the public inquiry.

#### **10.5 OBJ/3 – David Bradbury**

##### *Concerns of impact proposals have on access to Venneit Close*

- 10.5.1 David Bradbury is identified in the Book of Reference on the basis that he has a possible right of access over Plots 0006, 0006a, 0007a, 0013, 0017a & 0017b.
- 10.5.2 Since receiving the objection, Network Rail has sought to engage and liaise with Mr Bradbury to confirm that access to Venneit Close will not be impeded by the powers sought under the Order or the OSP2 Project.
- 10.5.3 On the 25 June 2021 Network Rail emailed David Bradbury to confirm access to his property will be maintained. Network Rail explained the rationale and project and offered to meet with him to further explain the proposals.
- 10.5.4 Network Rail continued to engage with Mr Bradbury but received no response. Network Rail sent a further letter on the 13 July 2021 to Mr Bradbury outlining more detail regarding access routes and providing comfort that he will always have access to his property.
- 10.5.5 A follow up email was sent on 2 August 2021 attempting to create a dialogue and a response was received on 3 August 2021 stating he felt the grounds of his objection had not been addressed and that the precise scope of the works, and therefore which

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parts of the land will be required, should have been decided prior to an Order being sought. Network Rail provided a response on 4 August 2021 to explain the extent of the land take sought and the consideration given to the approach.

- 10.5.6 Despite continued exchange of correspondence between Network Rail and Mr Bradbury, Mr Bradbury has expressed the view that his objection will not be withdrawn. Accordingly, Network Rail will present evidence at the Inquiry which addresses the issues raised by Mr Bradbury and will confirm that continued access to Venneit Close will be maintained.

### **10.6 OBJ/4 – Rail Gourmet UK Limited ('Rail Gourmet')**

*No compelling case in the public interest, breach of Article 1 and First Protocol of Human Rights Act 1998 and lack of engagement.*

- 10.6.1 Rail Gourmet is a tenant of GWR who are the franchised leaseholder of Oxford Station, as well as a Train Operating Company and have a leasehold interest in part of Oxford Station.
- 10.6.2 Network Rail has engaged with both GWR as franchise leaseholder and Tanner Rose who represent Rail Gourmet to fully understand the extent of the Rail Gourmet's interest. Network Rail is advised that Rail Gourmet do not have a lease demise affected within the Order limits. Accordingly the Rail Gourmet interest is not affected by the Order and Network Rail's view is that the Rail Gourmet's objection to the Order is not based on valid grounds.

### **10.7 OBJ/4 – Select Service Partner Limited ('SSP')**

*No compelling case in the public interest, breach of Article 1 and First Protocol of Human Rights Act 1998 and lack of engagement.*

- 10.7.1 SSP is a tenant of GWR who are the franchised leaseholder of Oxford Station, as well as a Train Operating Company.
- 10.7.2 GWR has confirmed that of those units that fall within the SSP demise, only 'Pumpkin Café' which occupies a unit on Platform 4, falls within the limits of the Order (comprised in Plot 0019). The other tenants within the SSP demise (Delice De France, M & S Simply Food and Upper Crust) are situated in the main concourse to the eastern side of the station which falls outside the Order limits.
- 10.7.3 In addition to the wider consultation and community engagement, Network Rail wrote to SSP on 16 April 2021 advising of the Order and providing contact details for any queries. Requests for Information were also issued by Carter Jonas on behalf of Network Rail to SSP, who responded on the 11 May 2021.

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- 10.7.4 Network Rail has been liaising with SSP's landlord, GWR on the proposals since the beginning of 2021 to specifically establish both their requirements, and those of their station tenants. GWR initially wanted to manage all communication with their station tenants. Since 28 June 2021 Network Rail has been liaising directly with Tanner Rose who represent SSP and has also been in correspondence with SSP's Head of Estates, to establish which of their demise interest are affected and to understand if their requirements could be accommodated elsewhere during the works.
- 10.7.5 Following correspondence with Tanner Rose on 29 June 2021, 30 June 2021, 6 July 2021, 26 July 2021, 30 July 2021, it has been established, and was communicated to Tanner Rose on the 6 August 2021, that Network Rail is unable to provide temporary alternative premises on platform 4 during the works. It being an Island platform with limited space available and Network Rail having to prioritise temporary GWR facilities, public facilities and British Transport Police accommodation. Whilst a mobile kiosk might be possible, there would still be the issue of water, power supply and storage facilities, and it would likely need to be moved multiple times to allow for the phased works. Given the anticipated level of disruption to both SSP and the OSP2 Project, it makes little practical/ business sense to try and accommodate the Pumpkin cafe on platform 4, this being the only space in the station available to Network Rail being acquired from GWR within the Order Limits.
- 10.7.6 On the 30 July 2021 Network Rail made a financial offer to SSP to acquire their demise interest. Tanner Rose subsequently has advised this offer has been declined and the parties are continuing to negotiate regarding appropriate compensation, whilst SSP explores its relocation options.
- 10.7.7 The sums offered are not a matter for the TWAO process but were made as a genuine attempt to acquire the land/rights by agreement.
- 10.8 OBJ/6 –The Chancellor Masters and Scholars of the University of Oxford ('Oxford University') & OBJ/7 Oxford University Fixed Assets Limited ('OUFAL')**
- 10.8.1 Oxford University are the registered owners of Plots 004, 004a, 005, 006 and 0013. Oxford University also have rights of access reserved over the southern section of Roger Dudman Way by virtue of an agreement dated 12 May 1999 and made between British Railways Board and Railtrack Plc. The right of access extends through Plots 007a, 0017a, and 0017b.
- 10.8.2 We refer to objection letters of 21 July 2021 on behalf of both The Chancellor Masters and Scholars of The University of Oxford (objection 6) & Oxford University Fixed Assets Limited (objection 7) - referred together herein as 'the University'.

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*Detailed design proposals of the bridge have not been provided and the University should not have to retain an altered bridge, in part ownership as an asset.*

- 10.8.3 Network Rail has explained the history of Sheepwash Bridge to the University. It is agreed that the existing bridge asset belongs to the University. The OSP2 Project is a replacement of that asset, albeit on a new alignment.
- 10.8.4 The background to the ownership of Sheepwash Bridge can be summarised as follows:
- a) as part of the Railways Act 1993, when British Railway was privatised, the land within Title ON 224972 (being the northern section of Roger Dudman Way including Sheepwash Bridge) was identified as non-operational railway land, and at Demarcation on 12 May 1999 passed to the British Railways Board for disposal. The land was subsequently sold to the University to facilitate access to the University's student accommodation, and wider development which lies to the north of Roger Dudman Way.
  - b) under the Demarcation Agreement (dated 12 May 1999) Network Rail's adjoining land benefits from a right of way, with or without vehicles, over the land in Title ON 224972 including a right of way over Sheepwash Bridge and the northern section of Roger Dudman Way.
  - c) the freehold interest in Sheepwash Bridge is registered with absolute title number ON 224972 in favour of the University (OUFAL) and the OSP2 Project does not propose to alter that ownership, but replace the University's asset. The northern Section of Roger Dudman Way is a privately owned road in the ownership of the University.
- 10.8.5 The existing ownership and existence of Network Rail's reserved right of way is not disputed. Network Rail's position is that the principal use of Sheepwash Bridge is to serve the University accommodation/residential housing on Roger Dudman Way and therefore the replacement Sheepwash Bridge should continue to be maintained by the University, along with the road, as the competent authority and existing legal owner.
- 10.8.6 The construction of the new platform 5 railway line results in a necessary realignment of the University's existing Bridge resulting in provision of a new road/pedestrian bridge to span over Sheepwash Channel. The replacement bridge will be built to modern standards (in accordance with Euro Codes and Network Rail Standards), being more resilient, with less steel to maintain/paint than the existing structure, and is considered by Network Rail's Project Engineer to provide

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'betterment' to the University's asset with a modern replacement bridge with longer design life.

- 10.8.7 The essence of the University's case is that they want to transfer liability of the replacement bridge to Network Rail. Network Rail confirmed to Gateley Hamer by email on the 9 August 2021 that Network Rail's Principal Route Structures Engineer has been consulted and will not sanction managing the replacement bridge asset given it is a non-rail asset and Network Rail has existing reserved access rights enabling operation of Network Rail's limited use of the bridge.
- 10.8.8 Network Rail has been liaising with the University's in house surveyor since early January 2021, and more recently with Gateley Hamer since their appointment in early July 2021, regarding the scheme and has shared the latest GRIP4 - 'Approval in Principle' designs with the University. The detailed final design will emerge once a GRIP5-8 (Design and Build) contractor is formally on board, which is anticipated towards the end of 2021.
- 10.8.9 Network Rail has confirmed it is willing to liaise and collaborate with the University in working up the final design of the replacement Sheepwash Bridge. As confirmed by email on the 8 April 2021, Network Rail agreed to pay the reasonable costs of an engineer appointed by the University to review the bridge designs and also agreed to a joint meeting with the project/contractor (once on board) to discuss the design and works methodology in detail.
- 10.8.10 On the 18 August 2021 the OSP2 Project's Senior Sponsor wrote a letter to Gateley Hamer re-affirming these commitments to work with the University to design the replacement bridge to an agreed specification.
- 10.8.11 A further site meeting was held on the 9 September 2021 between Gateley Hamer and Network Rail's Project Engineer to explain the design of the replacement bridge in more depth on site.
- 10.8.12 Network Rail has therefore sought to provide the University with assurances that it will be have the opportunity to influence and be involved in the design and specification of the replacement bridge. Network Rail is willing to provide a legal commitment in respect of such assurance and on 21 September 2021 a draft agreement offering such commitment (amongst others) was provided by Network Rail to the University's agent.

### *Concerns the works will interrupt utilities supply*

- 10.8.13 Network Rail is aware of the requirement to protect the University's critical infrastructure and the University has helpfully provided Network Rail with utility plans.

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10.8.14 Network Rail has explained that detailed surveys and the works methodology to translocate the utilities/fibre optic cable will be completed by the contractor once appointed, anticipated towards the end of 2021.

10.8.15 The OSP2 Project's Senior Sponsor wrote to Gateley Hamer on the 18 August 2021 formally reiterating the previous pledge that Network Rail will continue to liaise and work collaboratively with the University regarding detailed surveys and the works methodology to move the cables as it emerges in GRIP 5-8 (design and build).

10.8.16 On the 9 September 2021 the OSP2 Project's Engineer met with Gateley Hamer on site to explain the works in more depth, including moving the cables. Network Rail will continue to liaise with the University on this issue. On 21 September 2021 a draft agreement offering a commitment to safe guarding and maintaining utility services was provided by Network Rail to the University's agent.

*Additional land proposed to be transferred to the University as part of Sheepwash Bridge replacement works is not acceptable*

10.8.17 Network Rail has been in discussions with the University prior to the submission of the Order regarding the additional land to be transferred as part of the Sheepwash Bridge replacement works. This arrangement was detailed in the Heads of Terms issued to the University on 10 May 2021.

10.8.18 A site meeting was held on the 9 September 2021 between Gateley Hamer and Network Rail's Project Engineer to explain the 'land take' requirements on site in order to progress the private treaty negotiations for the required land transfers. Network Rail will continue to liaise with the University on the private treaty arrangements.

*Concerns over the temporary use of access roads during construction works and diversion routes during construction*

10.8.19 Network Rail has previously advised the University (as confirmed on the 16 July 2021 with Gateley Hamer and the University Surveyor, and more recently by email to Gateley Hamer on the 29 July 2021) that the alternative access north via Roger Dudman Way and along Walton Well Road is included as a fall-back option should it not be possible to maintain vehicular access (including fire engine access) over Sheepwash Bridge, which is the intention. It has therefore been necessary to include the necessary rights and temporary possession of the relevant parts of those routes in the Order, in the event the fallback needs to be utilised. The decision whether or not the temporary diversion is required will be confirmed by the GRIP 5-8 contractor.



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10.8.20 If it becomes necessary to use this temporary access, full details of traffic management and safety provisions will be shared with the University and Network Rail will continue to work with the University to minimise any disruption. The draft legal agreement provided to the University on 21 September 2021 makes provision where appropriate temporary diversions are put in place that access is maintained to the properties north of Roger Dudman Way.

*New rights are required over the newly created junction with Roger Dudman Way and Cripsey Road*

10.8.21 The Heads of Term issued to the University on 10 May 2021 offered equivalent alternative access rights over the new route via Cripsey Road. This position was reaffirmed on the 29 July 2021 and Network Rail confirmed it remains willing to pay the University's reasonable legal expenses to progress the legal documents. The draft legal agreement provided to the University on 21 September 2021 also secures Network Rail's commitment to granting these rights.

*Concerns over the scope of works, timings and proposed locations of compounds*

10.8.22 Network Rail has, and will, continue to liaise and update the University regarding the OSP2 Project. On the 29 July 2021 an updated high-level programme of works was shared with the University. The draft legal agreement provided to the University on 21 September 2021 also provides assurances to keep the University updated on the programme for the carrying out of the works.

10.8.23 Network Rail will continue to liaise and share information with the University as it emerges when a contractor is appointed in order to try and minimise disruption from the works.

*Lack of Meaningful Engagement*

10.8.24 Heads of Terms were provided to the University on 10 May 2021, with accompanying plans detailing the acquisitions/transactions required, and negotiations have been progressing since January 2021 with the University's Estate Surveyor and more recently from July 2021 with Gateley Hamer. Network Rail is continuing to engage meaningfully to negotiate the land and rights required by private treaty, and will continue to do so notwithstanding the application for the Order. Network Rail is fully willing to continue to provide supporting information when requested in relation to the OSP2 Project and awaits to hear from the University on the terms proposed.

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#### **10.9 OBJ/07 – Oxford University Fixed Assets Limited ('OUFAL')**

*Lack of Engagement and lack of information for OFAL to assess the impact of the Order and works*

- 10.9.1 OUFAL have a caution registered against title no ON308486, being Plot 003 and are also identified in the Book of Reference as being a tenant/occupier in this plot.
- 10.9.2 Network Rail have been in communication with the surveyor acting for the University of Oxford since January 2021 who confirmed to Network Rail that he is instructed to act on behalf of OUFAL. More recently, from early July 2021, Network Rail has been negotiating with OUFAL's appointed agent, Gateley Hamer who have since been instructed to act for OUFAL.
- 10.9.3 For ease we have responded to this objection under objection 6 (The chancellors Masters and Scholars of The University) as they are linked - See Network Rail Response in Objection 6.

#### **10.10 OBJ/22 Property: Kenmare Estates Limited (Co-op') The Co-op Children's Nursery, 1 Roger Dudman Way, Oxford, OX1 1HW.**

- 10.10.1 Kenmare Esatates are the registered legal owners of Plot 0010, which is a childcare nursery trading under the name of 'Co-op Child Care, Oxford Station (herein after referred as 'Co-op Childcare').

*Extent of Land Interest Not Justified*

- 10.10.2 Co-Op Childcare is of the view that the extent of the land take is excessive and that Network Rail has failed to provide sufficient explanation for the need to include the land within the Order.
- 10.10.3 Network Rail's position remains consistent, that the proposal being advanced is, and has been, explained to Co-Op Childcare's agent. The proposed permanent 'land take' remains as per the GRIP 4 ('Approval in Principle') scheme designs which were shared with Co-Op Childcare on the 3 July 2020, and subsequently provided to its agent, Savills, when they were instructed in January 2021. These designs result in modifications to the south eastern corner of the nursery building (i.e removing a section of external wall and rebuilding, as well as 'land take' of the adjoining passageway to facilitate the new road) due to realignment of Sheepwash Bridge and footway over Sheepwash Channel to accommodate the additional width required for the new platform 5 railway line. Whilst the designs sought to minimise the impact on Plot 10 the identified permanent land take is unavoidable, and it is not safe/practical for the nursery to operate from its existing location during the works period.

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10.10.4 Network Rail explained to Savills in an email of 12 April 2021 the approach to the TWAO was altered to provide for a permanent acquisition of the whole as a precaution to accommodate their client's request made on the 25th of February 2021 via email to explore a permanent land swap (i.e Network Rail acquiring the whole nursery site in exchange for Network either permanently transferring part of its land (plot 0040) to Co-Op Childcare, or Co-Op childcare acquiring the freehold of an alternative site), amongst other options. This position was further communicated to Savills by email on 16 April 2021 and also more recently during a MS Teams meeting with both Savills and their client representative on the 18 August 2021 when Co-op Childcare confirmed their preferred option was temporary relocation. It was agreed Network Rail would conduct a review of the outline specification provided by Co-Op childcare to work up a detailed specification for temporary relocation, which will be given to the GRIP 5-8 (design and build) contractor once in contract (anticipated to be end of 2021).

*The need for the works and a failure to provide sufficient information or consider the alternative to increase the highway level to avoid any permanent land take*

10.10.5 Network Rail has consistently kept Co-Op Childcare informed of the development proposals which necessitate the land acquisition. The need for the land is to facilitate the replacement of Sheepwash Bridge; this needs to be replaced on a new alignment to the west to accommodate the additional width required for the new track. The newly realigned Sheepwash Bridge will continue to provide vehicular access to the nursery, residential and student accommodation to the north, albeit the bridge needs to be wider than existing to accommodate a newly installed railway track, as well as a replacement road bridge with footway.

10.10.6 Network Rail's Senior Project engineer confirmed on 29 July 2021 that raising the level of the road would not be beneficial to either party – 'it would increase the height and therefore width (i.e. 'land take') of any retaining wall for the road/footway on the boundary with the nursery.' Network Rail has explained the OSP2 Project and fully shared the latest design information available with Co-Op Childcare and will continue to do so with the final detail emerging once a GRIP 5-8 (design and build) contractor is in contract.

*Impact of the Permanent Land Acquisition on the nursery*

10.10.7 Network Rail has sought to work with Co-op Childcare to understand the impact the permanent land take will have on the operation of the business. Network Rail has given its commitment to meet Co-op Childcare's reasonable costs, for Savills to undertake a search for alternative premises in the market place including freehold and leasehold, which ultimately proved unfruitful, as confirmed by Savills by email on 14 May 2021.

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- 10.10.8 Network Rail has, and will continue, to work with Co-op Childcare to try and minimise any disruption to their business and remains committed to working towards temporary relocation to try and minimise disruption and ensure the continued operation of the business.

#### *Question the need for the proposed works*

- 10.10.9 The need for the Order and the works underlying the Order is set out in Sections 4 and 5 of this Statement of Case.

#### *Lack of Engagement*

- 10.10.10 Network Rail has continued to engage with Co-op Childcare both directly, and more recently through Savills, to explore all available options (including temporary relocation, permanent relocation, as well as business extinguishment at the request of Savills) to try and minimise impacts on the business.
- 10.10.11 On 29 July 2021 Savills confirmed to Network Rail that Co-op Childcare's preferred option is temporary relocation (having ruled out permanent relocation and extinguishment) and Network Rail remains committed to provide reasonable assistance, where it can, to continue progress this option.

### **10.11 OBJ/28 - Oxfordshire County Council**

- 10.11.1 Network Rail has been engaging with Oxford County Council to address the concerns raised. A deed providing the appropriate assurances to address the County Council's concerns is in a near final form and it is anticipated final drafting will be agreed shortly, whereupon the County Council's objection will be withdrawn. In the event that the objection is not withdrawn before preparation of proofs, Network Rail reserves its position to respond to the objection in evidence at the Public Inquiry.

### **10.12 OBJ/14 – John Murray**

- 10.12.1 Network Rail has engaged with Mr Murray since submission of his objection to clarify that there is no permanent closure of the footbridge at Mill Street. Mr Murray has confirmed in writing to Network Rail (23 September 2021) that he wishes to withdraw his objection and it is anticipated Mr Murray will confirm this to the Transport Infrastructure Casework Unit imminently.

### **10.13 REP/01 - Thames Water (TW)**

- 10.13.1 TW have made a number of detailed comments on the Protective Provisions incorporated as part of the draft Order. TW's submission is not an objection to the

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Order but nonetheless Network Rail continues to liaise with TW and considers that an agreed form of Protective Provisions to be added to the draft Order can be finalised in advance of the Public Inquiry.

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#### **11. CONCLUSIONS**

- 11.1 As is set out in Sections 4 and 5 the Order will facilitate Network Rail acquiring the necessary land and rights to deliver the OSP2 Project.
- 11.2 The OSP2 Project forms part of a package of rail enhancement schemes which deliver significant economic and strategic benefits to the wider Oxford area and the country. The enhanced infrastructure in the Oxford area will provide benefits for both freight and passenger services, as well as enable further schemes in this strategically important rail corridor, including the introduction of East West Rail services in 2024.
- 11.3 The OSP2 Project is the critical enabler for any further service increases into Oxford and is required by December 2024 to provide the required infrastructure to successfully deliver and operate the 2024 train service specification, accommodating East West Rail and supporting wider rail proposals under the Oxfordshire Connect Programme.
- 11.4 The constrained Network Rail ownership in and around Oxford Station means that third party land is required to facilitate the Oxford Station improvements works. The addition of a new platform has a knock on effect in terms of the need to re-align Sheepwash Bridge and additional land take to facilitate that.
- 11.5 The Prior Approval application for the works comprised in the OSP2 Project is anticipated to be determined prior to the Public Inquiry. It is considered that the OSP2 Project complies with the relevant national and local planning policies and accordingly, that Prior Approval will be forthcoming.
- 11.6 The Department for Transport has set out its intention to fund the OSP2 Project as is further set out in the funding statement.
- 11.7 Network Rail has complied with all statutory requirements relating to consultation and engagement in relation to the OSP2 Project including carrying out two rounds of public consultation.
- 11.8 Overall, Network Rail considers there is a compelling case in the public interest for the powers sought to be granted as part of the Order. In relation to the objections and representations received in response to the Application for the OSP2 Project overall Network Rail remains committed to working with objectors throughout the TWAO process to resolve as many of the concerns raised as possible and in order to secure withdrawal of objections prior to the Public Inquiry. Network Rail will provide evidence at the forthcoming public Inquiry to address the concerns raised and to support its position that the Order be made.

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<b>Category A: Application Documents</b>	
NR1	Transport and Works Act Order Application Letter
NR2	Draft of the proposed Order
NR3	Explanatory Memorandum
NR4	Statement of Aims
NR5	Funding Statement
NR6	Estimate of Costs
NR7	Consultation Report
NR8	Book of Reference
NR9	Land Plans
NR10	List of consents, permissions or licences under other enactments
NR11	Waiver directions given under Rule 18
NR12	Cover letter for Prior Approval
NR13(a)	Prior Approval Drawings – Botley rd bridge proposed general arrangement
NR13(b)	Prior Approval Drawings – Train dispatch building plans
NR13(c)	Prior Approval Drawings – Platform buildings proposed site plans
NR13(d)	Prior Approval Drawings – Platform 5 sections
NR13(e)	Prior Approval Drawings – Lift and staircase
NR13(f)	Prior Approval Drawings – Dispatch building sections
NR13(g)	Prior Approval Drawings – Dispatch building elevations
NR13(h)	Prior Approval Drawings – Café & passenger lounge sections

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NR13(i)	Prior Approval Drawings – Café & passenger lounge plans
NR13(j)	Prior Approval Drawings – Café & passenger lounge elevations
NR13(k)	Prior Approval Drawings – Sheepwash bridge proposed general arrangement
NR13(l)	Prior Approval Drawings – Cripsey road proposed general arrangement
NR13(m)	Prior Approval Drawings – Botley road proposed long section
NR13(n)	Prior Approval Drawings – Botley road proposed general arrangement
NR13(o)	Prior Approval Drawings – West entrance building roof plan
NR13(p)	Prior Approval Drawings – West entrance building plan level 00
NR13(q)	Prior Approval Drawings – Proposed platform 4 & 5 plans & elevations
NR13(r)	Prior Approval Drawings – Proposed sections
NR13(s)	Prior Approval Drawings – Proposed sections
NR13(t)	Prior Approval Drawings – Proposed elevations
NR13(u)	Prior Approval Drawings – Proposed ga plan level 10
NR13(v)	Prior Approval Drawings – Proposed ga plan level 00
NR13(w)	Prior Approval Drawings – Demolition ga plan
NR13(x)	Prior Approval Drawings – Existing elevations
NR13(y)	Prior Approval Drawings – Existing ga plan
NR13(z)	Prior Approval Drawings – Proposed site plan
NR13(aa)	Prior Approval Drawings – Existing site plan
NR13(bb)	Prior Approval Drawings – Site location plan



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NR13(cc)	Prior Approval Drawings – Botley road bridge visualisation
NR13(dd)	Prior Approval Drawings – Botley road bridge visualisation
NR13(ee)	Prior Approval Drawings – West entrance building visualisation
NR13(ff)	Prior Approval Drawings – West entrance building visualisation
NR13(gg)	Prior Approval Drawings – West entrance building visualisation
NR13(hh)	Prior Approval Drawings – West entrance building visualisation
NR13(ii)	Prior Approval Drawings – West entrance building visualisation
NR13(jj)	Prior Approval Drawings – Landscape plan
NR13(kk)	Prior Approval Drawings – West entrance building elevations
NR13(ll)	Prior Approval Drawings – Western retaining wall proposed ga
NR13(mm)	Prior Approval Drawings – Botley road bridge south west approach
NR13(nn)	Prior Approval Drawings – Botley road bridge south east approach
NR13(oo)	Prior Approval Drawings – Botley road bridge north east approach
NR13(pp)	Prior Approval Drawings – Botley road bridge north west approach
NR13(qq)	Prior Approval Drawings – Roger Dudman way long section
NR13(rr)	Prior Approval Drawings – Roger Dudman way proposed ga
NR13(ss)	Prior Approval Drawings – Existing (post phase 1) ga
NR13(tt)	Prior Approval Drawings – Station area location plan phase 2 & future masterplan track alignment
NR13(uu)	Prior Approval Drawings – Location plan (red outline)
NR13(vv)	Prior Approval Drawings – Cocp mitigation register
NR13(ww)	Prior Approval Drawings – Capacity improvement scheme
NR13(xx)	Prior Approval Drawings – Botley rd bridge proposed sections

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NR14	Planning Statement
NR15	Design and Access Statement
NR16	Environmental Statement – Volume 1 – Non Technical Report
NR17 (a) – (p)	Environmental Statement – Volume 2 – Main Report
NR18 (a) – (eee)	Environmental Statement – Volume 3 – Book of Figures
NR19 (a) – (cc)	Environmental Statement – Volume 4 – Technical Appendices
NR20	Prior Approval Validation Letter
NR21	Prior Approval of 15/00096/PA18
NR22	Prior Approval of 10/01414/CONSLT

<b>Category B: Legislation</b>	
B1	Transport and Works Act 1992
B2	Part 3 and Part 8, Planning and Compulsory Purchase Act 2004
B3	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
B4	Transport and Works (Inquiries Procedure) Rules 2004
B5	Transport and Works (Model Clauses for Railways and Tramways) Order 2006
B6	Planning and Compulsory Purchase Act 2004
B7	Town and Country Planning Act 1990
B8	Compulsory Purchase Act 1965
B9	Railways Act 1993

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B10	The Railways and Other Guided Transport Systems (Safety) Regulations 2006
B11	European Union (Withdrawal) Act 2018
B12	Acquisition of Land Act 1981
B13	Town and Country Planning (General Permitted Development) Order 2015
B14	Human Rights Act 1998
B15	Equality Act 2010
B16	Oxford and Rugby Railway Act 1845
B17	Great Western Railway (Additional Powers) Act 1865
B18	Great Western Railway (Further Powers) Act 1866
B19	Great Western Railway (Additional Powers) Act 1936
B20	Building Act 1984
B21	Road Traffic Regulation Act 1984

**Category C: Scheme Development Documents**

C1	Diversity Impact Assessment
C2	Strategic Outline Business Case

**Category D: National and Local Policy and Guidance Documents**

D1	National Planning Policy Framework (July 2021)
D2	Guidance on Compulsory Purchase process and the Crichel Down Rules (July 2019)
D3	A Guide to TWA Procedures

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D4	National Policy Statement for National Networks
D5	National Planning Policy Framework (February 2019)
D6	Oxford Local Plan 2016 - 2036
D7	Oxford Economic Growth Strategy January 2013
D8	Oxford Economic Growth Strategy Summary April 2013
D9	Oxford Economic Growth Strategy – Action Plan updated June 2014
D10	Connecting Oxfordshire: Local Transport Plan Volume 3: Rail Strategy (2015 – 2031)
D11	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - SPD West End Area Action Plan Part 1
D12	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - SPD West End Area Action Plan Part 2
D13	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - SPD West End Area Action Plan Part 3
D14	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - SPD West End Area Action Plan Part 4
D15	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - Public Participation Statement
D16	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - Strategic Environmental Assessment Screening Report
D17	Oxford Station Area Supplementary Planning Document (SPD), adopted in November 2017 - Adoption Statement
D18	Oxfordshire Rail Corridor Study 2021

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D19	Rail Network Enhancements Pipeline 2019
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<b>Category E: Pre-inquiry documents</b>	
E1	Statement of Case, Network Rail, September 2021

Network Rail reserves the right to update this documents list ahead of the Inquiry.

This Statement of Case and its supporting documents are available electronically at:  
<https://gateleyhamer-pi.com/en-gb/oxford-phase-2/>

Subject to payment of a reasonable charge, copies can be provided of the documents upon request. Requests should be directed to Michele Vas at Dentons UK and Middle East LLP either:

By telephone: 020 7320 5448;

By email: [michele.vas@dentons.com](mailto:michele.vas@dentons.com); or

By post: Michele Vas, Dentons UK and Middle East LLP, One Fleet Place, London EC4M 7WS

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