

**TRANSPORT AND WORKS ACT 1992**  
**TRANSPORT AND WORKS (INQUIRIES PROCEDURES)**  
**RULES 2004**  
**THE NETWORK RAIL (OXFORD STATION PHASE 2**  
**IMPROVEMENTS (LAND ONLY) ORDER)**

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**PROPERTY**  
**SUMMARY PROOF OF EVIDENCE**  
**J R Dawe-Lane BSc(Hons) MRICS FAAV**

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

*Summary Proof of Evidence – Property*

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*Summary Proof of Evidence – Property*

**CONTENTS**

<b>1. INTRODUCTION.....</b>	<b>1</b>
<b>2. SCOPE OF EVIDENCE .....</b>	<b>1</b>
<b>3. PURPOSE OF THE ORDER &amp; POWERS SOUGHT BY NETWORK RAIL .....</b>	<b>1</b>
<b>4. COMPENSATION PROVISIONS .....</b>	<b>2</b>
<b>5. COMMUNICATION AND ENGAGEMENT.....</b>	<b>3</b>
<b>6. HUMAN RIGHTS .....</b>	<b>4</b>
<b>7. LANDOWNERS AFFECTED BY THE USE OF COMPULSORY RIGHTS .....</b>	<b>4</b>
<b>8. OBJECTORS .....</b>	<b>5</b>
<b>9. COMPLIANCE WITH THE CPO GUIDANCE AND CONCLUSIONS .....</b>	<b>5</b>
<b>10. WITNESS DECLARATION.....</b>	<b>5</b>

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

### *Summary Proof of Evidence – Property*

#### **1. INTRODUCTION**

- 1.1. I am John Dawe-Lane, BSc(Hons) MRICS FAAV. I am a Senior Surveyor at Network Rail having been employed in the railway industry since 2015, working as a Property Surveyor.
- 1.2. I am a member of The Royal Institution of Chartered Surveyors (RICS) having qualified in 2002 as a Rural Practice Chartered Surveyor. I am also a Fellow of the Association of Agricultural Valuers (FAAV) having qualified in 2006. I have a Degree in Rural Land Management from the Royal Agricultural College, Cirencester.
- 1.3. As a Senior Surveyor at Network Rail my role primarily involves negotiating temporary and permanent land acquisitions including rights of access/easements, purchases, sales, surrenders and compulsory purchase work to support the delivery of varied Network Rail projects.
- 1.4. I have been the lead Property Surveyor for the Oxford Station Phase 2 Improvements Project (hereinafter referred to as the 'OSP2 Project') since June 2021, having taken over from Rebecca Collins MRICS who commenced the land acquisitions negotiations.

#### **2. SCOPE OF EVIDENCE**

##### **2.1 My evidence consists of:**

- 2.1.1 a consideration of the land and rights sought by Network Rail within the Order to facilitate the delivery of the OSP2 Project and the compensation provisions that accompany the impact of those land and rights;
- 2.1.2 a review and consideration of the responses to objections by owners of an interest in land on a case by case basis, including a summary of engagement and a description of Network Rail's attempts to reach agreement;
- 2.1.3 a consideration of Network Rail's compliance with the relevant compulsory purchase guidance and transport and works act procedures.

#### **3. PURPOSE OF THE ORDER & POWERS SOUGHT BY NETWORK RAIL**

- 3.1 The purpose of the proposed Order is to enable Network Rail to deliver the OSP2 Project. The Order authorises Network Rail compulsorily to purchase land and interests in land for the purpose of altering and improving Oxford Station to deliver the OSP2 Project.
- 3.2 The draft Order (NR2) and the Deposited Plans (NR9) identify the extent to which Network Rail may exercise compulsorily acquisition powers in relation to land situated within the Order limits. All the areas of land (and property rights) which are sought in the draft Order are necessary for the OSP2 Project and no land will be compulsorily acquired either

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

### *Summary Proof of Evidence – Property*

permanently or temporarily unless essential for the construction, operation, or maintenance of the OSP2 Project.

3.3 The Book of Reference (NR8) details the owners and occupiers of land and property within the OSP2 Project limits and is to be read in conjunction with the Deposited Plans which accompany the Draft Order. In accordance with Rule 15 of the Transport and Works (Applications and Objections) (England and Wales) Rules 2006 (B3), notices have been served by Network Rail on the owners, lessees and occupiers of land affected by the project as set out in the Book of Reference.

3.4 The Order, if approved, will therefore grant Network Rail the powers to compulsorily acquire land, and rights over land, needed to construct, operate and maintain the improvements to the station and railway. In summary the main forms of acquisition proposed by the Order will consist of:

- 3.5 Permanent acquisition of land (Article 3)
- 3.6 Powers to acquire new rights in land (Article 7)
- 3.7 Powers to acquire subsoil or airspace only (Article 8)
- 3.8 Temporary rights for construction purposes over land (Article 9)
- 3.9 Temporary rights to use land for maintenance works (Article 10)
- 3.10 Powers to extinguish or suspend private rights of way (Article 13)
- 3.11 Powers to extinguish rights over level crossing (Article 15)
- 3.12 Rights to use private roads for construction (Article 16)
- 3.13 Powers to survey and investigate land (Article 17)

## **4. COMPENSATION PROVISIONS**

4.1 Where Network Rail impact upon private land and rights the Order provides for compensation to be paid to the landowners.

4.2 The compensation provisions in the Order vary depending upon the rights being acquired or extinguished.

4.3 The Order applies Part 1 of the Compulsory Purchase Act 1965 which, through its application, has the effect of requiring Network Rail to pay compensation to qualifying parties

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

### *Summary Proof of Evidence – Property*

under the Compensation Code for acquisition of new rights in land for access for construction of the works.

4.4 All property owners who have rights imposed on their land under the Order will be entitled to claim compensation in accordance with the Compensation Code, which provides a consistent approach to the assessment of fair compensation.

4.5 In addition to compensation being paid for the value of land taken, compensation will also be payable in respect to any loss in a landowner's retained property caused by it being severed from the land acquired, or by the Scheme itself.

4.6 Compensation is also payable in respect to disturbance losses that result from the construction of the Scheme.

4.7 In relation to land to be occupied temporarily Network Rail must pay compensation for any loss or damage arising from the exercise of the powers in the Order and before giving up temporary possession of such land Network Rail must restore the land to the reasonable satisfaction of the owners.

4.8 Hence though the Order provides Network Rail with powers to interfere with private interests in land such interference is subject to payment of compensation and the interference is kept to only that which is required to secure the purposes of the Order.

## **5. COMMUNICATION AND ENGAGEMENT**

5.1 As part of the development of the scheme Network Rail undertook a series of consultation events to gauge opinion regarding the OSP2 Project.

5.2 A consultation strategy was developed to adhere to the statutory requirements from Rule 10(2)(d) of the Application Rules. The consultation process was inclusive and effective, improving the acceptability of the proposals to be applied for within scheme.

5.3 As stated in the Consultation Report (NR7) Network Rail have undertaken 13 separate stakeholder engagement events. Network Rail have sent letters to Local Resident Associations to engage with their members virtually and distributed letters to over 3,000 properties which that are within 300m of the OSP2 Project site.

5.4 Network Rail have also consulted with Oxford City Council and Oxford County Council, as well as other identified statutory consultees.

5.5 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. Network Rail is seeking compulsory acquisition powers in the Order (NR2) to enable Network Rail to secure, in a

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

### *Summary Proof of Evidence – Property*

timely, efficient and economical manner, the land interests and rights which Network Rail have identified, following consultation, as being required for the delivery of the OSP2 Project.

5.6 Network Rail's aim was and still is to minimise the use of compulsory purchase and, in an effort to achieve that, it continues to negotiate with affected landowners.

5.7 Network Rail has had and continues to have due regard to the Department for Transport publication 'A Guide to TWA Procedures' (2006) and the Government guidance on compulsory purchase, entitled "Guidance on Compulsory Purchase process and The Crichel Down Rules" in working with those with affected land interests under the draft Order.

## **6. HUMAN RIGHTS**

6.1 Article 1 of the First Protocol to the European Convention on Human Rights states that "Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties".

6.2 The Order is being pursued in the public interest, as is required by Article 1 of the First Protocol where compulsory acquisition of property is concerned. The compelling case for the Order is detailed in Network Rail's Statement of Case, and further expanded on in the OSP2 Project Sponsor's Proof.

6.3 The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of the landowners and the public interest in securing the benefits of the Scheme to the national railway network. Therefore, the interference with Convention rights is justified.

## **7. LANDOWNERS AFFECTED BY THE USE OF COMPULSORY RIGHTS**

7.1 There are a significant number of interest holders included in the Book of Reference (NR8). Of these only a number of landowners objected to and made representations regarding the OSP2 Project. It can be seen therefore that the majority of interest holders have not sought to object to or make representations in relation to the Order.

7.2 A number of objections to the OSP2 Project have been received, although many do not have a legal interest in land affected by the OSP2 Project and therefore I do not refer to those objections in my proof.

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

### *Summary Proof of Evidence – Property*

#### **8. OBJECTORS**

8.1 I summarise and comment upon remaining objectors on a case by case basis in section 4 of my proof.

#### **9. COMPLIANCE WITH THE CPO GUIDANCE AND CONCLUSIONS**

9.1 Network Rail can show that all the necessary resources, including funding for both acquiring the land and implementing the OSP2 Project, are likely to be available to achieve that end within a reasonable time-scale – refer to OSP Sponsor Proof.

9.2 The OSP2 Project is unlikely to be blocked by any physical or legal impediments to implementation, including the need for planning permission – refer to OSP Planning Proof.

9.3 There is a compelling case in the public interest for the acquisition – refer to OSP Sponsor Proof and OSP Planning Proof.

9.4 The purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected as set out in my proof.

9.5 Network Rail has a clear idea of how it intends to use the land, which it is proposing to acquire as set out in my proof.

9.6 Genuine and meaningful negotiations have taken place with landowners as demonstrated in my proof, resulting in a number of objections being withdrawn. Of the remaining objectors I am satisfied that Network Rail have sought to minimise the impact of the OSP2 Project upon them, and that the compulsory purchase guidance has and continues to be complied with, and compensation provisions within the Order will ensure that the objectors are fully recompensed as far as is possible with money to offset the impact of the OSP2 Project.

9.7 In conclusion and as explained in my Proof I am satisfied that the Order has been made in accordance with the relevant Guidance.

#### **10. WITNESS DECLARATION**

##### **10.1 Statement of declaration**

10.1.1 I hereby declare as follows:

10.1.2 My proof of evidence includes all facts which I regard as being relevant to the professional opinion which I have expressed and I have drawn the inquiry's attention to any matter which would affect the validity of that opinion.

10.1.3 I believe the facts which I have stated in my proof of evidence are true and that the opinions are correct.



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

*Summary Proof of Evidence – Property*

**Signature & Date**

A handwritten signature in black ink, reading "John R. Jones-Lane". The signature is written in a cursive style with a horizontal line underneath the name.

**8 November 2021**