

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS ACT (INQUIRIES PROCEDURE) RULES 2004 THE
NETWORK RAIL (The Network Rail (Oxford Station Phase 2 Improvements (Land
Only)) Order 2021**

STATEMENT OF CASE

**SUBMITTED PURSUANT TO RULE 7(3) OF THE
TRANSPORT AND WORKS ACT (INQUIRIES PROCEDURE) RULES 2004**

**ON BEHALF OF The Chancellor Masters and Scholars of the University
of Oxford**

Summary Of Objection(s)

The University of Oxford submitted an objection by way of a letter dated 30th July 2021 to the proposed Oxford Station Phase 2 Improvements (Land Only) order 2021 based in the main on the lack of information and the unilaterally proposed transfer of third party land to the University. The University is unable to make informed decisions on any of the points of objections raised due to the lack of information. The University is current working with Network Rail with a view to agree a compromise agreement, which, subject to the parties agreeing acceptable terms, will allow the objection to be withdrawn.

In principle the University is supportive of the objectives of the scheme given the benefits to the City of Oxford, however, despite meetings with Network Rail the lack of information has proved a major obstacle in reaching any agreement in relation to the points of objection.

1. BACKGROUND & INTRODUCTION

- 1.1 My name is Ian Timothy Miles. My professional qualification is MRICS – Member of the Royal Institution of Chartered Surveyors.
- 1.2 I was elected an Associate of the Royal Institution of Chartered Surveyors in May 1995 and have been a member since that date.
- 1.3 Throughout my professional career as a Chartered Surveyor, I have been involved in commercial property specialising in land and property matters in the private, public and charity sectors and more recently specialising in Compulsory Purchase matters.
- 1.4 I am employed by Gateley Hamer in the Infrastructure Development Team and work on a number of major infrastructure projects, including M42 Junction 6, Access to Didcot Garden Town, A417 Missing Link, amongst others. Prior to working for Gateley Hamer I was employed by Network Rail in their Birmingham office as Senior Surveyor and lead in the major projects team for the London North Western route. My role was dealing with land acquisition and compulsory purchase matters on major schemes including East West 1 and 2, the Trans Pennine Route Upgrade and the Blackthorn to Piddington stabilization project. I was also involved in a project (Project Atlantic) to transform Network Rail's distribution network from a National to Regional system.
- 1.5 This Statement of Case is submitted on behalf of The Chancellor Masters and Scholars of the University of Oxford (the "University"), the freehold owner of land and interests in land at Roger Dudman Way, Castle Mill, Oxford parts of which are included within the Order scheme ("Scheme"). As such the University is a registered statutory objector to the proposed Network Rail (The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 2021 (the "Order") which has been applied for by Network Rail.
- 1.6 I submitted an objection letter on behalf of the University to the Order by letter dated 30 July 2021 ("Objection").
- 1.7 The University broadly supports the objectives of the Scheme; however, it has serious concerns in the lack of information provided by Network Rail to enable it to make any constructive progress on the objections it has raised. Despite various requests Network Rail have not provided the necessary information requested.
- 1.8 Network Rail has failed to sufficiently consider the impacts on the University arising from the Scheme and the measures that may mitigate such impacts. The Transport and Works Act Order 1992 application documents (the "Application") do not contain sufficient information to allow the University to consider the implications of the scheme on its land holding.
- 1.9 In preparing this Statement, the University seeks further information from Network Rail regarding the proposed Scheme which it is hoped will enable the University to better assess the impacts of the Scheme on the University's land and interests in land. The level of detail provided by Network Rail in the Application on matters affecting the University is

inadequate. As such, the University cannot undertake a full assessment of the impacts of the Scheme on its land holding until Network Rail provide the necessary information. To be clear Network Rail have not been able to satisfy the University on any of the matters mentioned in the objection letter.

2. THE SCHEME (GENERAL BACKGROUND)

- 2.1 The main aim of the scheme is to provide a 5th platform /track at Oxford Station and the new platform will run parallel to and include the Universities' land holding. The general background and key information to the scheme is set out below and has been provided by Network Rail.
- 2.2 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.
- 2.3 Journeys to and from stations in Oxfordshire have increased by 69% in the 10 years to 2019 against a UK average of 42%.
- 2.4 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.
- 2.5 Oxfordshire holds a strategically vital position for rail freight, particularly for intermodal and automotive flows between the Port of Southampton and the Midlands.
- 2.6 With the introduction of the December 2019 timetable, Oxford station is nearing full capacity and cannot robustly accommodate the further service enhancements set out in the 2024 train service specification. Furthermore, the infrastructure in the station area is restricting the transition of journeys from private car to public and active modes of transport.
- 2.7 Improving rail's service offering will support wider benefits including connectivity to jobs and housing and regional economic growth.
- 2.8 The Oxford Phase 2 project will rebuild and reconfigure the west side of Oxford station. The existing east side main entrance and secondary entrance are unchanged (includes platform 1, 2 and 3). However, by providing a new entrance/exit to the station, pressure will be taken off the existing entrance/gateline, improving overall passenger flows.
- 2.9 Enhancements from the works are compliant stepping and tactile-stone (existing) platform 4, new platform 5 with a dedicated Western Entrance resulting in enhanced pedflow and compliant station evacuation.
- 2.10 Accessible toilets and baby change(both platforms 4+5 and western entrance). A new lift and stairs will be installed between the western entrance and platforms.

3. THE OBJECTION(S)

- 3.1 Based on the objection letter dated 30th July 2021 all of the Universities objections remain valid and outstanding. Despite various meetings with representatives from Network Rail they have been unable to provide the necessary information required, as we have been advised the scheme is not far enough advanced and the information is simply not available. Despite the lack of information Network Rail continue to push the University to remove its objections to the scheme.

To recap the grounds of objection to the scheme and our Statement of Case are as follows:

- 3.2 Network Rail propose to replace the existing foot and vehicular bridges known as Sheepwash Bridge and replace them with a new single bridge of Network Rail's design and construction. The University have been advised that they can engage a bridge engineer to review the design, however the final design approval will lie with Network Rail. The University does not consider that it is reasonable to expect that it should accept liability for a new structure on this basis - and therefore the University still consider that the new bridge should be a Network Rail asset rather than a University asset.

- 3.3 Due to an error in the drafting of the Order which was only brought to the University's attention on the 8th October 2021 this point of the objection may be resolved and withdrawn once Network Rail provide the necessary proof that the bridge will be acquired permanently.
- 3.4 It has also recently come to light since the objection letter that the new bridge will possibly be located up to three metres off its existing location on third party land, the status and condition of which is unknown at the present time. Network Rail expect the University to take the freehold of this land, which they are not inclined to do given its unknown status. The new bridge will sit on the land acquired by a third party. Network Rail were asked what the position would be if the University did not take the third party land, and only recently confirmed that there is no mechanism to force the transfer of land to the University.
- 3.5 The new bridge will benefit Network Rail in that it provides pedestrian access for station users and access to Network Rail's compound. Network Rail will also need to acquire the necessary air rights which do not appear to have been considered.
- 3.6 The University cannot take on the ownership, and maintenance responsibility nor liability any third party claims for a new bridge from a third party of which they have had no active involvement in the design or procurement process, and therefore still object to the proposed order on this ground.
- 3.7 The University is concerned about the disruption to utilities both public and private within the existing bridge structure when it is demolished and throughout the local area, both in and outside of the University's land ownership. The University's main concern is the fibre network providing internet access throughout the University. This is a private network and may or may not be shown on public utility plans/records.
- 3.8 As far as the University is aware, Network Rail has not yet undertaken any surveys of the network or held any detailed discussions with the University's IT department to ensure the proposed works do not cause any disruption to the University network and operations by seeking to agree any measures that are proposed to be put in place to mitigate disruption as best as possible to the fibre network. Since the objection letter of the 21st July no progress has been made in respect of this matter and Network Rail have not proposed any meetings with the University's IT Department.
- 3.9 The fibre network is considered to be critical infrastructure by the University and as Network Rail has not provided any information regarding the protection of this critical infrastructure the University objects to the proposed Order on this ground. It is also unclear what retaining wall and/or other structures are proposed to the land transferred to the University, or what condition they will be in.
- 3.10 Network Rail propose to unilaterally transfer land to the University which is currently part of the Day Nursery (Co -Op Nursery Plot 16) and may now also include additional third party land.
- 3.11 The University have not been provided with any details regarding the current status of this land, any encumbrances or details of any possible contamination and until all the necessary details are provided the University cannot make any decisions on possible ownership of the land as it considers it may be taking on a potential liabilities and therefore objects the proposed Order on this ground.
- 3.12 Network Rail has made proposals for a temporary access route should construction work require the existing access road along Roger Dudman Way to be closed. The proposed access land is part of a road to student accommodation (Castle Mill) and third party residential property. The access road is used by students for pedestrian and cycle access to and from the University and city centre as well as vehicular traffic serving the property. This closure would mean that all traffic to/from the Castle Mill accommodation, as well as the flats at Venneit Close and Thames Wharf to the south, would be temporarily diverted to the north towards Walton Well Road. The route between Walton Well Road and Roger Dudman Way does not currently support vehicular traffic. The access road is also used by emergency vehicles and service vehicles.
- 3.13 During recent meetings with Network Rail, it has been made clear that whilst the bridge(s) are being replaced they have no indication as to the length of time the temporary access

will be required for despite initial assurances that this would only be for five nights. This temporary access is generally considered unsuitable for access for any lengthy period, and this will affect student access to the University from the student accommodation.

- 3.14 Network Rail has not provided the University, or consulted with it, on any information, such as Traffic Management Plans to demonstrate and support the safe use of this temporary access route should it be required during the construction period and therefore the University objects to the proposed Order on this ground. We have now received initial drawings, but no specifications, standards or guarantees that these will be maintained. The extinguishment of existing legal rights can not be agreed until new rights are agreed, and legally binding agreements are in place.
- 3.15 The University has access rights under a Demarcation Agreement for the southern part of Roger Dudman Way which is owned by Network Rail. These rights need to be varied to allow access via a new route, off Cripsey Road. The University has been requested to enter into the surrender and grant of new access rights which may affect the use of the access to the student accommodation. No details of these rights have been received by the University, however at a recent site meeting Network Rail did provide verbal information regarding the access from Roger Dudman Way to Cripsey Road and until greater detail is received and considered, the University objects to the proposed Order on this ground.
- 3.16 Generally, the University also have concerns on matters such as the full scope of the works, the delivery date of the scheme / timings of the works and details of the proposed location and compound area required on University land. Therefore, the University objects to the Order on these grounds.
- 3.17 Network Rail provided draft Heads of Terms, which were scant in detail and provided no commercial or technical information to address the concerns of the University this remains the case despite the regular meetings. Therefore, Network Rail has not made any meaningful efforts to negotiate the land and rights required for the scheme by private treaty, and as such has not satisfied Government Guidance which states that "Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question.

4. **CONCLUSION**

- 4.1 This Statement of Case is brief, and the reason for the brevity is solely due to the lack of information provided by Network Rail in respect of the scheme and in particular matters concerning the University. We have been unable to provide further details on our case simply because they don't exist yet or we have not been provided with them. It is very disappointing that the information requested is not available as it could well have been possible that the majority of the issues would have been resolved, save for the issues of the bridge ownership and the third party land which remain the main outstanding issues in respect of the University's objection.
- 4.2 The University are continuing to engage in regular meetings with Network Rail with a view to bottoming out individual objections where possible, but realistically this will not happen until after the inquiry as we have been informed by Network Rail that the majority of the information will not be available until after a main contractor has been appointed.
- 4.3 Network Rail have informed the University that due to an error in Order they will now have to acquire Sheepwash Bridge permanently, however, this is still to be confirmed in an acceptable form. If this is the case, then the matter of the nursery land will also fall by the wayside and not be an issue.
- 4.4 The University is currently working with Network Rail to agree a compromise agreement that will allow the University's objection to be withdrawn, however, due to the drafting of the compromise agreement this remains some way off, and ultimately may not be agreed.

