

PUBLIC INQUIRY INTO
THE NETWORK RAIL (OXFORD STATION PHASE 2 IMPROVEMENTS
(LAND ONLY)) ORDER 202[]
APPLICATION TO THE SECRETARY OF STATE UNDER SECTION 6 OF
THE TRANSPORT AND WORKS ACT 1992

OPENING STATEMENT
AND LIST OF APPEARANCES
ON BEHALF OF NETWORK RAIL INFRASTRUCTURE LIMITED

Appearances for Network Rail

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Opening Statement

Introduction

1. Network Rail Infrastructure Limited (“**Network Rail**”), have applied to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 for an order under sections 1 and 5 of the Transport and Works Act 1992, in order to bring forward a station improvement project for which there is pressing need and which will give rise to substantial economic, environmental and social benefits across a very wide area. This opening statement will outline the project, its purpose and benefits, the Transport and Works Act Order (“**the Order**”) and Network Rail’s case in relation to the remaining objections.

The OSP2 Project

2. The purpose of the Order is to facilitate improved capacity and capability in the ‘Oxford Corridor’, the part of the rail network between Didcot North Junction and Aynho Junction. As well as enhancements to rail infrastructure, improvements to highways are being undertaken as part of the works. Together, these form part of the Oxford Station Phase 2 improvements (“**the OSP2 Project**”).
3. The Order is a land only order. It does not contain any works powers, or seek deemed planning permission. Rather it only seeks powers to acquire land and rights over land, and to temporarily possess land, to facilitate the delivery of the OSP2 Project.
4. The need for the OSP2 Project is compelling and pressing. Oxford station is at full capacity, both in terms of pedestrian flows and platform capacity. Enhancement to the train service specification is proposed for 2024, which will increase the number of services using the station, particularly with the arrival of East West Rail and increased freight services. The station is unable to accommodate this enhanced train service specification without improvements to the track and station infrastructure.
5. The enhanced train service specification will provide improved connectivity to Banbury, Birmingham, and throughout the Oxford-Cambridge Arc. Oxford

station is a key piece of infrastructure in delivering economic and growth ambitions locally in and around the City of Oxford, more widely across Oxfordshire, and regionally across the Oxford – Cambridge Arc. The station is at the confluence of a number of passenger and freight routes which gives it great potential to enable growth if it has sufficient capacity and, conversely, to hold back growth if that capacity is inadequate.

6. The City of Oxford, the county of Oxfordshire and the Oxford-Cambridge Arc are a major focus for housing and employment growth. The Oxfordshire Housing and Growth Deal, which was struck between the Oxfordshire local authorities and central government, commits to 100,000 new homes by 2031, which is a step change in housing delivery, and would see Oxfordshire's population grow by 39% between 2016 and 2040. Employment growth is equally significant, with Oxford sitting on the 'Knowledge Spine' of high tech and life science industries. The Oxfordshire economy is projected to double in size and create 108,000 additional jobs by 2040. Oxfordshire also holds a strategically vital position for rail freight, particularly between the Port of Southampton and the Midlands.
7. The OSP2 Project is embedded in planning policy and its delivery will significantly assist in realising policy ambitions on a local, Oxfordshire, and regional basis.
8. Change is needed. Journeys to and from Oxford station have increased by 63% in 10 years, well above the UK average of 42% and the increases are predicted to continue into the future. The station currently ranks poorly in passenger satisfaction surveys. The public realm to the south of the station under the Botley Road bridge is also unsatisfactory, with Oxfordshire County Council having identified the bridge as a major disincentive to cycling to the station, the bus station and the wider city centre from the west due to the narrow width of the highway and footpaths.
9. As a result of all these factors, all six Oxfordshire authorities have stated their unanimous support for the OSP2 Project [NR32]. The OSP2 Project has also been consulted upon widely and met with widespread support and notably very limited objection.

10. The OSP2 Project which is facilitated by the Order will comprise:

- a. A new through platform on the west side of Oxford station, forming 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.
- b. New track connections to the line from the new Platform 5, which will allow trains to leave Platform 4 and 5 at the same time.
- c. A new western station entrance from Roger Dudman Way, off Botley Road.
- d. 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.
- e. Re-routing of Roger Dudman Way, removing the junction where it joins Botley Road and creating a new access onto Cripsey Road.
- f. Replacement of the road span of Sheepwash Bridge and adjoining footbridge structure on a new alignment.

The Order

11. The Order if made would:

- a. Confer powers of compulsory acquisition on Network Rail to acquire land (art. 3) and new rights (art. 7), and temporarily possess land (art. 9) to facilitate the construction of the OSP2 Project;
- b. Extinguish or suspend third party interests in the land (art. 13); and
- c. Stop up and discontinue a disused level crossing (art. 15).

12. The Order as originally drafted comprised plots 1 - 40. Network Rail seek to amend the Order to remove plot 39 (Osney Lane footbridge), given that it is owned by Network Rail and further investigation of title has indicated that there are no third party interests in respect of the plot which need acquiring.

13. A schedule has been provided which sets out the purposes for which each plot is sought (appendix 4 of John Dawe-Lane's proof of evidence).
14. 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, Cripsey Road, and Roger Dudman Way is required, as well as land in the car park to the south.
15. Amendments are proposed to the Order. A number of these are minor drafting improvements and updates. More substantively:
 - a. New protective provisions have been added for certain statutory undertakers (Sch. 5 Parts 3 – 4 (SGN Plc and Thames Water));
 - b. Amendments have been made to protect access rights for landowners and ensure temporary access (art. 13 and Sch.2).
16. An amended Order has been provided in clean and tracked version **[NR36(a)-(b)]**.
17. Amendments to the Land Plans have also been made, with an amended set of plans at **[NR38]**. Plots 6b and 6c are now identified for permanent acquisition rather than temporary possession, following an agreement with Oxford University that Network Rail will acquire the existing Sheepwash Bridge and land required to construct the new bridge. Subdivisions of plots 10 and 13 have been made for clarity and to provide scope to limit the land take if circumstances allow. The Book of Reference has been amended accordingly **[NR37]**.
18. Appendix 3 of Mr Dawe-Lane's supplementary proof explains the updates. The updates have been sent to the Transport Infrastructure Planning Unit at the Department for Transport who have not raised any issues in respect of them.

Planning position and delivery

19. Network Rail has extensive permitted development rights under Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. A full application for planning permission is not required for OSP2 Scheme as a result. Prior approval under Part 18 is required and this was granted by Oxford City Council by decision notice dated 26 November 2021 (21/02007/PA18) (NR35). Such further prior approvals or

planning permissions as may be required to reconfigure part of the eastern wall of the Co-op building and to do works to the western pier of Osney Lane footbridge are minor and uncontroversial. Accordingly, there are no likely planning impediments to the scheme.

20. Nor is there any impediment in respect of funding. Funding is available for the full cost of the OSP2 Scheme and indeed the Project has been identified as a priority within the Rail Enhancements Portfolio.

Objections

21. 28 objections, two representations and three letters of support were received following the expiry of the representation period. The following objections remain.
22. **Mr David Bradbury** has objected in respect of access arrangements. As set out above, however, Network Rail has made provision for access to be maintained at all times, with the most likely option being access on a temporary bridge over Sheepwash Channel, but with an alternative back up route to the north via Castle Mill Stream if needed.
23. **Rail Gourmet UK Ltd** have objected but do not have an interest in any land within the Order limits and are not affected by the acquisition. This has been explained to them and it is unclear why they have not withdrawn their objection.
24. **Select Service Partner Limited (SSP)** are a tenant of First Greater Western Ltd, who is the franchised leaseholder of Oxford station. Of the retail units operated by SSP, only Pumpkin Café is within the Order limits (in Plot 19), being situated on Platform 4. Network Rail have engaged with SSP but concluded that it is not possible to provide temporary alternative premises for Pumpkin Café on Platform 4 or elsewhere during the works, it being an island platform with limited space available and Network Rail having to prioritise station facilities. A financial offer has been made in a genuine attempt to acquire the land. At present it is understood that SSP's position is simply to wait for the outcome of the inquiry process.
25. **The Co-op Children's Nursery** occupy a building which will be affected by the realignment of the road and footpath span of Sheepwash Bridge and Roger Dudman Way. It will be necessary to demolish part of the south east corner of

their building to accommodate the realignment. Engagement has been extensive with the nursery, with temporary and permanent relocations explored. Temporary relocation has been identified as preferable and a suitable site identified at the southern end of the car park (Plot 40). Negotiations have been ongoing to reach an agreement which would provide for temporary relocation to modular premises on Plot 40 and then back to the present nursery building with limited modifications having been made to accommodate the OSP2 Project.

26. No agreement has yet been reached and accordingly Network Rail will enter into a binding undertaking which reflects the heads of terms under discussion between the parties. This will oblige Network Rail to seek to agree necessary terms and specifications to facilitate the temporary relocation of the nursery, and then facilitate its return to its current site, so far as circumstances allow. By this mechanism the Inspector and Secretary of State can be assured that the Co-op's interest will not be affected any more than is necessary by the Order and all reasonable accommodations are made.

27. **The Chancellor Masters and Scholars of Oxford University** are the owners of, or have rights over, a number of plots on and around Roger Dudman Way. **Oxford University Fixed Assets Limited** have a caution registered against the title of Plot 3 and are identified as being an occupier in this plot. The objections are linked. They raise various concerns regarding: provision of information; interruption of utilities supplies; access during construction and subsequently; and engagement and negotiation. Network Rail have been in detailed liaison with the University's and OUFAL's agents and representatives for some considerable time, in order to share information, address concerns and seek to reach agreement. A draft legal agreement was sent to these objectors in September 2021 providing assurances and legal commitments in respect of the points of objection. Significant discussion with the objectors has taken place since. The land plans have been amended so as to address a primary issue raised by the University, namely that they wished Network Rail to permanently acquire the land to carry out the Sheepwash Bridge realignment and replacement, given the University's desire to avoid any permanent liability in respect of the replacement bridge: see revised land plans and new Plots 6b and

6c (originally within Plot 6a) at [NR38]. Further, the draft agreement includes the following obligations on Network Rail:

- a. To maintain provision of the University's utility services with specific protective measures to be utilised in maintaining the data service cable;
- b. To keep the University updated on programme;
- c. To enable the parties to agree a licence to go onto the University's land required for temporary purposes;
- d. To provide appropriate notices on the diversions etc needed during the construction process;
- e. To grant rights to the University over Sheepwash Bridge in its newly constructed form;
- f. To provide access via the new Cripsey Road junction until dedicated as highway or in the alternative to grant a further easement over the new junction;
- g. Not to permanently extinguish any existing rights of the University over the lower end of Roger Dudman Way until the Cripsey Road Junction has been constructed.

28. Network Rail consider that the draft agreement comprehensively addresses the University's and OUFAL's concerns. It is hoped that agreement will be reached resulting in the withdrawal by the University and OUFAL of their objections, but if that does not appear likely then Network Rail will convert the draft agreement into a unilateral undertaking and submit it to the Inspector and Secretary of State, so as to provide assurance to the Inspector and Secretary of State that there is a binding mechanism in place whereby the objectors' concerns will be addressed.

29. A table setting out the current status of all objectors is provided at Appendix 1 of Mr Dawe-Lane's supplementary proof.

30. Overall, Network Rail's evidence will show that the grounds of objections by the remaining objectors are not made out and any private loss does not outweigh the strong public interest in making the Order.

31. It is important to note that with the sole exception of Oxford University, no objector has submitted a statement of case. Further, no objector, the University included, has submitted any proofs of evidence in accordance with the procedure rules. Network Rail will say that inevitably and significantly affects the weight which these remaining objections can attract.

Other matters

32. The Secretary of State has issued a statement of matters about which he particularly wishes to be informed in the consideration of the application. Although the document was received after Network Rail's proofs of evidence were substantially drafted, such that the proofs of evidence are not structured by reference to those matters, Network Rail does consider that its written evidence, to be supplemented by oral evidence, comprehensively addresses those matters. Network Rail will seek to order its closing submissions by reference to those matters.

Conclusion

33. In light of all of the above, Network will say that the policy in A Guide to TWA Procedures (Department for Transport, June 2006) and the Guidance on the Compulsory Purchase Process and the Crichel Down Rules (MHCLG, July 2019) is strongly supportive of making the Order. There is a compelling case in the public interest for acquisition. There is overwhelming unanimity amongst stakeholders that the improvement of Oxford station is an urgent priority. This Order will facilitate that. Network Rail will in due course invite the Inspector to recommend the making of the Order to the Secretary of State, subject to the modifications proposed.

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7th December 2021