

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

CLOSING SUBMISSIONS

ON BEHALF OF NETWORK RAIL INFRASTRUCTURE LIMITED

Abbreviations:

- NR: Network Rail
- CN: Chris Nash
- CF: Colin Field
- LW: Lawrence Walton
- JDL: John Dawe Lane
- OSP2: Oxford Station Phase 2

References in square brackets are to the core document list

Introduction

1. Network Rail Infrastructure Limited (“**NR**”), 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 (“**the Order**”) under sections 1 and 5 of the Transport and Works Act 1992, in order to bring forward a station improvement scheme for which there is pressing need and which will give rise to substantial economic, environmental and social benefits across a very wide area.
2. These closing submissions will address in turn those matters about which the Secretary of State has asked to be informed in the statement of matters dated 26

October 2021, as well as Network Rail's case in relation to the remaining objections.

Matter 1: The aims and objectives of, and the need for, the proposed Oxford Station Phase 2 improvements

(i) The OSP Project

3. The Oxford Station Phase 2 improvements (“**the OSP Project**”) is facilitated by the Order. The OSP Project comprises improvements to station and rail infrastructure, along with improvements to highways undertaken as part of the works. In detail, the OSP Project's components are:
 - 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 new Platform 5, which will allow trains to leave Platforms 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; and
 - f. Replacement of the road span of Sheepwash Bridge and adjoining footbridge structure on a new alignment.
4. 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, and to temporarily possess land, to facilitate the delivery of the OSP Project. In particular 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 and discontinue a disused level crossing (art. 15).

(ii) Aims and objectives of the OSP Project

- 5. The overarching 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.
- 6. In more detail the aims and objectives are as follows:
 - a. To deliver significant economic and strategic benefits. 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 and beyond;
 - b. To unlock 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;
 - c. To deliver enhanced connectivity across the region, supporting the levelling up agenda particularly with the new east-west opportunity;
 - d. To enhance passenger experience and local accessibility by providing a new west station entrance benefitting one of the major centres for education, science, culture and tourism in the UK, including promoting pedestrian and cycle access, to drive the sustainable travel agenda;
 - e. To increase platform capacity to accommodate an additional three passenger trains per hour into Oxford, as detailed below, providing improved connectivity to Banbury, Birmingham and throughout the Oxford-Cambridge Arc in support of planned housing and jobs growth;
 - f. To facilitate growth in freight services;

- g. To deliver journey time improvements for passengers using Platform 4 travelling west on Botley Road, due to the provision of a west side station entrance;
- h. To improve pedestrian flows through the station so that they are compliant to industry standards for existing and forecast demand growth, supporting the attractiveness of rail as a transport mode;
- i. To improve road safety through reduced risk of incidents involving pedestrians and cyclists owing to segregated routes, reduced risk of incidents involving vehicles owing to space and segregation and reduced risk of highways-induced events such as bridge strikes resulting from the greater height clearance. The Botley Road works will enable a modal shift from cars to active and public modes of transport from west Oxford. The works to Botley Road highways will achieve a minimum clearance of 4.59m and permit standard height 4.4m buses on routes using Botley Road bridge instead of today's 4.2m height buses (current clearance is 4.28m), resulting in fleet homogeneity and procurement / resale benefits;
- j. To deliver extensive public realm improvements;
- k. To support future electrification through Oxford Station, by rebuilding the canopy on Platform 4 that would be non-compliant with overhead line electrification masts;
- l. To deliver savings attributable to asset management / maintenance as a result of improved condition and quality of new assets compared to the old;
- m. To enable the future re-development of the east side of the station including the future Oxford Station Masterplan by providing greater platform capacity, an additional station entrance for use during construction works and removing constraints associated with Botley Road bridge;
- n. To 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;

- o. To deliver additional capacity to support housing growth proposed in the Oxford-Cambridge Arc;
- p. To contribute to decarbonisation by encouraging the move away from private car to train use and through the ability to support increased rail freight capacity.

(iii) Need for the OSP Project, including benefits

7. NR include benefits under this heading of need, which NR consider to be inextricably linked.
8. The need for the OSP Project is compelling and pressing. It is also multi-faceted.
9. Most central to the need case is the inability of the existing rail infrastructure at Oxford Station to accommodate the enhanced train service specification (“TSS”) due to be implemented in December 2024. The TSS is an outline of the future timetable that has been developed as part of the Oxfordshire Rail Corridor Study. The components of the 2024 TSS which Oxford station cannot currently accommodate comprise 2tph of East West Rail services between Milton Keynes and Oxford, 0.5tph additional Chiltern line services between Birmingham Moor Street and Oxford, and 2tph of additional freight paths between Oxford North Junction and Didcot North Junction (Outline Business Case – Strategic Case at para 1.5.2.4, including figure 16; 2.2.1; 2.5 [C2]). Detailed capacity work underpins this, including the Oxford Phase 2 report – Capacity Analysis [C10] as explained by CN orally (see also the OBC at para 2.2.1 [C2]). The existing rail infrastructure has insufficient capacity for this service enhancement ([C2] at para 2.1).
10. The capacity issue arises from a number of constraints. First, Oxford Station has insufficient platform capacity for the three additional passenger trains per hour on the 2024 TSS ([C2] para 2.1.1). In the existing timetable trains are often held outside the station waiting 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.

11. Secondly, pedestrian flows are forecast to become non-compliant before 2024 ([C2] para 2.1.1). 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. As well as being contrary to safety standards, this extends the time before a new train can reoccupy the platform, further limiting the available platform capacity. It also leads to door-to-door journey time increases as people have to wait on platforms rather than continuing with their journeys. The limited footbridge capacity is aggravated by the limited canopy provided on Platform 4. Currently only a third is covered by a canopy, which encourages people to wait for their trains in the area at the bottom of the footbridge rather than spreading evenly along the platform. The time for the platforms at Oxford to clear in an emergency is also currently non-compliant. Detailed pedestrian modelling underlies these findings: see Pedestrian Modelling – Oxford Station report [C11].
12. Separately, areas on the line north of Oxford Station are also at capacity and cannot accommodate the service enhancements set out in the 2024 TSS ([C2] para 2.3 and 2.4). These areas are Oxford North Junction (where the lines to Bicester and Bletchley meet the lines to Banbury and Worcester) and the track between Wolvercote North Junction and Aynho Junction. These issues are planned to be resolved by rail infrastructure improvements in these areas and comprise part of the wider Oxford Corridor Phase 2 project ([C2] section 3 page 35).
13. It is important to recognise that EWR is happening. All but the Bedford – Cambridge stretch of the EWR route is already consented via Transport and Works Act Orders and the western section of the route between Oxford, Bletchley and Milton Keynes is under construction (CN proof para 8.2.1). The present Order needs to be made without delay in order to facilitate the OSP Project which will in turn allow the potential of EWR to be realised.
14. The need case also goes well beyond accommodating the new TSS. The OSP Project will significantly assist in unlocking economic growth across the City of Oxford, Oxfordshire as a whole, and the Oxford-Cambridge Arc.

15. In particular, it is important to understand the Oxfordshire context ([C2] section 1). Oxfordshire has one of the strongest economies in the UK, contributing £21bn to the UK exchequer in 2018. It has significant assets in research and development and an international brand that draws talent and investment to both the City of Oxford and the numerous science, innovation, technology and business parks located across the county. Oxfordshire's knowledge-led economy generates the highest number of university spinout companies in the UK.
16. Despite these strengths, Oxfordshire has low productivity relative to many peers. Poor east-west connectivity and an exceptionally strong demand for housing means that Oxford has repeatedly headed lists of cities with the lowest levels of housing affordability. This is a problem that extends across the county, with median prices between 9.1 and 12.6 times median wages, compared to the England and Wales average of 7.7 times. This increases costs for businesses and diminishes the ability of businesses to attract and retain globally mobile talent. Recognition of a need to resolve these issues, and the implementation of plans for wider devolution across the UK led to the establishment of a City Deal between Oxfordshire and Central Government in 2014 to address the historic underperformance of the county relative to its international competitors. The City Deal identified that the constraints on growth caused by insufficient public transport and an at-capacity road network, under-developed business networks and lack of critical mass to support growth and investment led to a loss of £500m GVA to the local economy between 1997 and 2011. To address this, the Local Authorities, the Oxfordshire Local Enterprise Partnership (OxLEP) and other stakeholders established the Oxfordshire Growth Board to develop a strategic approach to the generation of sustainable growth within the wider context of the Oxford-Cambridge arc. The integration of Local Plans through this framework led to the Oxfordshire Housing and Growth Deal, a ground-breaking agreement with central government, which underpinned a commitment to build 100,000 new homes in Oxfordshire by 2031. This is a step change in delivery of new housing, equating to 5,100 units per year against an average of 2,333 between 2011 and 2015. These plans mean Oxfordshire's population is forecast to grow by 39% between 2016 and 2040.

17. Employment growth is equally significant, with the primary locations in Oxfordshire along the Knowledge Spine, including the research centres at Harwell and Culham, Milton Park, and the Oxford and Begbroke science parks, as well as the City of Oxford, Bicester, Didcot, and Witney. The Oxfordshire economy is projected to double in size and create 108,000 additional jobs by 2040.
18. Oxfordshire's transport network currently has insufficient public transport and an at-capacity road network. That leads to congestion, slows bus journeys, and results in delays on important transport corridors.
19. The wider regional context is also significant. Oxfordshire anchors the west of the Oxford–Cambridge Arc, an area of 3.7 million people with a 21st century economy rich in high value engineering, science, technology, and research which generates £111bn Gross Value Added (GVA) per year (D21). Government has recognised that by building upon existing strengths in different parts of the Arc, there is the long-term potential to transform a set of overlapping labour markets with their own technology and business clusters into a world-leading economic area (D21). Government has therefore designated it as a key economic priority and identified that to support this vision there is a demand to deliver significantly more housing throughout the whole area. Recent policy and consultation documents make clear that government remains committed to the Arc: see [ID7].
20. To complement central government plans for the Arc, Local Authorities and Local Enterprise Partnerships have established a Sub-national Transport Body, England's Economic Heartland (EEH), to determine their strategy to meet the transport needs of the wider region. EEH has published a Regional Transport Strategy (February 2021), of which improving east west connectivity is an important part: [ID7] at p.12 and p.40.
21. Sufficient capacity at Oxford Station is central to realising the ambitions of policy for Oxfordshire and the wider region, given that Oxford sits at the confluence of a significant number of lines, as shown in fig. 6 of ORCS ([D18] p.8). It is at the heart of a rail corridor that links the Great Western Mainline (GWML) at Didcot with the Midlands and the North. It is also the hub of the

important local rail market in Oxfordshire connecting Oxford to the major towns of Banbury, Bicester and Didcot.

22. For these reasons, ORCS concludes that *“Central to the strategy is Oxford Station. This is the critical enabler to unlock capacity and connectivity across the region, with the delivery of the additional platform, station works and bridge enhancements under Phase 2 the first step towards this”* ([D18] p.10).
23. The need for improvement also arises from significant recent growth in passenger numbers, which has not been fully matched by commensurate infrastructure improvements to date. This growth is also anticipated to continue on a steep upward trajectory. Journeys to and from Oxford Station have increased by 63% in 10 years, well above the UK average of 42% ([C2] para 1.5.1). Passenger journey numbers of 3.06m in 1997 rose to 8.27m in 2018, and are predicted to rise to 10.23m – 10.85m by 2028 and 11.35m – 12.15m by 2033 ([C2] Table 1 p.15).
24. Current issues contribute 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 ([C2] para 2.2.1).
25. The need for and benefits of the OSP2 Project are fully recognised by the Oxfordshire local authorities. The Future Oxfordshire Partnership, a joint committee of the six Oxfordshire local authorities, have recently expressed their strong and unanimous support for the OSP2 Project in a letter of 27 September 2021 to the Chancellor the Exchequer and the Secretary of State for Transport, noting that the Oxford corridor rail improvements are *“vital to supporting economic growth and recovery across Oxfordshire, the Oxford-Cambridge Arc and beyond”*. They express *“particular support for the completion of the Phase 2 works at Oxford Station”*, noting that *“Ultimately, Phase 2 is a critical step in positioning Oxford as a national rail hub with huge county-wide and national connectivity benefits, directly supporting the next stage of East West Rail, facilitating sustainable transport connections across the Oxford-Cambridge Arc”*.

26. The scheme has been widely consulted upon, receiving widespread support and limited objection [NR7].
27. The assessment as part of the Outline Business Case concludes that the Phase 2 corridor scheme (including the track improvements to the north) has a benefit cost ratio (“BCR”) of between 2.85 and 3.39, representing ‘High’ value for money under Department for Transport criteria ([C2] para 4.1). CN confirmed at the inquiry that the Full Business Case work, whilst in draft at the moment, is also anticipated to show a BCR of above 3.
28. The need for the OSP2 Project is therefore powerful, well-established and not seriously disputed by any objector to the Order. The benefits go hand in hand with the need. Realising the ambitions of policy, of local authorities and of government is a significant benefit of the OSP2 Project. Realising the objectives listed above will give rise to substantial economic benefits (employment growth and facilitating freight movement), social benefits (creating jobs and enabling people to access jobs, facilities and services), and environmental benefits (the public realm and design improvements around Botley Road with new footways and cyclepaths, the new west entrance building, and low carbon sustainable travel).

Matter 2: The main alternatives to compulsory acquisition considered by NR for meeting the objectives of the scheme

29. The OSP2 Project has emerged after a number of years of project development and optioneering, whereby scheme requirements have been robustly tested and established. This includes the necessary land take. The project development and optioneering is described in CN’s proof (sections 2.3 and 3.5.10) as amplified in his oral evidence, along with *Chapter 3 – Scheme Development and Alternatives Considered* of the environmental statement [NR17(c)]. In short, the Oxford Corridor project started in 2010 with initial feasibility work in 2011 and an initial option selection report produced in 2012. Matters were reviewed again with a further feasibility report in April 2014 [C16]. As explained by CN (3.5.10) and in this report (e.g. Appendix G p.2 of 23 (pdf page 259), an alternative scheme comprising a new south bay platform was considered but rejected because it would not provide the required capacity, and the new west

platform approach was taken forward. This option was then refined in a November 2014 option selection report [C3].

30. Oxford Station is tightly constrained by the surrounding land uses, including the river, Botley Road, and residential, University and other buildings built close to the railway boundary, as described in the OBC at 2.2.2 and illustrated in fig.19-20 [C2]. This leaves only a narrow strip of land to the west available for construction of a new platform. It also means that any expansion of Oxford station necessarily involves acquisition of land outside NR's ownership.
31. In respect of Co-op nursery in particular, LW explains how there is no sensible alternative to the limited land-take from the south east corner of the nursery building. A new line cannot use the existing rail spans of Sheepwash Bridge as the geometry would not permit it, resulting in a platform length which would be too short (LW proof para 3.2.8). There is also a need to retain the road and pedestrian span to provide access for the various users of Roger Dudman Way (LW proof 3.2.2). LW explains how the track alignment requirements and clearances required have been optimised to facilitate the minimum possible land take (proof 4.5.6).
32. The indicative drawing of proposed alterations to the nursery building (JDL proof appendix 2 p.238) show how this results in only around 600mm conflict between the existing building and the new proposed retaining wall on Roger Dudman Way, with a further 1m clearance required. The total loss to the existing building footprint is around 25sqm (JDL proof appendix 2 p.233 email of 20 October 2021). Subject to completion of the relatively minor necessary works to this eastern side, the vast majority of the building will remain useable. Indeed, NR have offered to improve the configuration of the existing building, which is something requested and welcomed by the Co-op. This may enable the 25sqm loss to be recovered in whole or part by insertion of a stairs to the currently unused roof space and conversion of that roof space (see notes of site inspection 16 November 2020 at JDL proof appendix 2 p.186-194 and plan at p.238; JDL supplemental proof appendix 2 p.30 email of 12 November 2021).
33. LW explains (proof 4.5.9) that the only alternative would be to move the existing rail lines east, to make more space for insertion of the line. In addition

to the substantial work in moving all the existing rail lines and replacing the bridge spans, this would require realignment of a significant portion of Platform 4. Even then the outcome would give rise to safety issues due to the new curvature of Platform 4 (sighting for train dispatch and greater stepping distances for passengers). Further it would only be technically possible to move the track a limited distance east due to track standards, such that it would still be likely to involve some land take from the Co-op. The cost would be disproportionate: LW has considered it and estimated it in the region of £20m (oral evidence). It is clearly not a realistic or reasonable alternative, and no one has sought to suggest it is.

34. NR have also sought to avoid compulsory acquisition by seeking to acquire the necessary land and rights by agreement. JDL's proof, supplemental proof and appendices detail the extensive negotiations and engagement, and provide schedules of engagement for all remaining objectors along with a selection of key correspondence.

Matter 3: The likely impact of the exercise of the powers in the proposed TWA Order on local businesses, residents and visitors

General

35. The likely impact of the exercise of the powers in the Order will, overall, be significantly positive for local businesses, residents and visitors. The exercise of the Order powers will facilitate the OSP2 Project which will bring major economic, social and environmental benefits to those individuals and businesses, as set out in detail above. NR acknowledge the disruption that the works needed to construct the OSP2 Project may bring to those living and working locally during the construction period, but consider this to be acceptable in planning terms and clearly justified by the benefits of the OSP2 Project.

36. 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 Project 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]. Although the terms of the permitted development right limit the scope of matters for consideration by the City Council, the officer report for the committee decision considered matters in significant detail and found the OSP2 Project to be acceptable in planning terms [NR26]. Those conclusions are a weighty consideration indicating that the impact on local businesses, residents and visitors are acceptable. It is not the role of an inquiry into a land only TWA Order to reassess the planning merits of a scheme which has already been found to be acceptable by the local planning authority.

37. An environmental statement [NR16-19] was produced to support the application for prior approval, which deals with the environmental impacts comprehensively (not limiting itself to those considerations to which the planning committee were limited under the terms of the permitted development right). The ES concludes that there will be no significant construction effects as a result of the scheme, given that the temporary adverse effects would be mitigated by design and the implementation of good practice in the Code of Construction Practice (Chapter 16 at para 16.4 [NR17(p)]). As to operational effects, three potential significant adverse effects were identified, which relate to loss of trees, operational railway noise, and flooding (as a result of climate change) (Chapter 16 at para 16.4.3 – 6 [NR17(p)]).
38. In respect of loss of trees, the ES has assumed the loss of the four Lime trees on Cripsey Road, however as the design has been updated further from that in the ES the new station entrance building design (linear and closer to the proposed retaining wall) will now allow for the retention of existing trees where practicable. A number of conditions relating to tree protection and retention have been imposed on the prior approval decision notice, which provide the LPA with control (nos.25 – 31 [NR35]).
39. In respect of operational noise, by introducing an environmental barrier (noise fence at the rear of the new track running parallel with Roger Dudman Way between Botley Road and Sheepwash Bridge) the noise effect can be mitigated and a noise fence is now incorporated into the design. There remains a significant adverse effect, but it is in terms of noise change (i.e. from existing: see ES 10.6.34 – 35 [NR17(j)]). The overall noise level is below the fixed

Significant Observed Adverse Effect Level (SOAEL), which is the level above which significant adverse effects on health and quality of life occur. The scheme thereby complies with national policy in the NPPF (para 185) and the Noise Policy Statement for England (referenced in para 185) to avoid the SOAEL. The absolute levels are not such as to require the provision of noise insulation. Further, the effects have been mitigated as far as practicable in the context of sustainable development, which again accords with the NPPF and NPSE. As further observed in the ES (16.4.5 [NR17(p)]), the perception of noise decreases over time reducing its significance. Conditions have been imposed on the prior approval decision notice to control noise, in particular no.10 requiring a Construction Environmental Management Plan and no.11 requiring a noise mitigation scheme to be submitted, approved, and implemented [NR35].

40. The scheme is liable to flood in the future, both at the Botley Road and the western entrance (although it should be noted that without the delivery of the project it would still flood, and in the event that the western entrance floods, the majority of the surrounding area would also be flooded). This is due to the proximity of the River Thames and projected increases in flooding due to climate change. Although there will remain a significant adverse effect in respect of fluvial flooding at least, a suite of conditions have been imposed on the prior approval decision notice (nos.33 – 39 [NR35]) which will ensure measures are in place to alleviate the effects of flooding, for example by the closure and management of the secondary entrance in a flood event through an emergency management plan. Also as part of the project a new pumping system will be installed to pump out Botley Road which is an area which does already flood. This is an issue which has been extensively considered between the Environment Agency, the LPA and NR. The Environment Agency's final position in respect of the prior approval application was not one of objection, and whilst the LPA reserved certain flooding matters for consideration after the committee meeting, the LPA subsequently concluded that it was satisfied on these matters and the decision notice has been issued.

41. It should also be noted that the ES concludes (e.g. paragraph 16.4.7 [NR17(p)]) that the scheme would produce several significant beneficial effects including to the general amenity of the area and to views from Botley Road towards the

western entrance, and by reason of the improvements to public transport network and public highway.

42. Although the matters for consideration in determining the prior approval application were limited by the terms of Part 18, the conditions imposed on the prior approval decision notice are not. They control the development in a comprehensive manner.

(a) The likely impact of the TWA Order, including the re-routing of Roger Dudman Way, on the local road networks, including access arrangements and parking and the blue light routes for emergency traffic

43. NR has worked closely with Oxfordshire County Council, the local highways authority, in respect of the OSP2 Project to ensure it successfully integrates into local road networks and appropriately addresses issues around Botley Road Bridge in particular.

44. The County Council's letter to the Department for Transport of 23 July 2021 makes clear that the County Council supports in principle and welcomes the proposed scope of improved rail and highways infrastructure which this application will enable, and recognises that the proposed improvements are integral to Oxford County Council's Oxford Rail Station Master Plan. The County Council's letter raised various concerns but expressly stated that it considered them to be resolvable by ongoing collaborative discussions. Those discussions continued and the County Council subsequently reached a position where it was satisfied with matters such that it withdrew its objection by email dated 21 October 2021 (JDL supplementary proof appendix 1). A deed of agreement of the same date has been signed between NR and the County Council to provide the County Council with the assurances it required. It provides as follows, as recorded for the benefit of the Inspector and the Secretary of State in JDL's proof at para 4.10.2:

a. Network Rail agrees:

- i. Not to commence the development until it has entered into the agreed final form of a section 278 agreement.

- ii. To collaborate and co-operate as is reasonably practicable in agreeing and entering into a ‘railway bridge agreement’ and a ‘footbridge agreement’ prior to commencing the development.
- iii. Not to remove the existing footbridge across Botley Road until the parties have agreed upon a permanent replacement footbridge to be constructed by NR as part of the development and for that to be made available to the public prior to the development being first brought into use by the public (unless otherwise agreed) and to collaborate and co-operate in agreeing and then implementing temporary facilities for pedestrian access between the station and Beckett Street car park while access is disrupted by the construction of the development should permanent facilities not be available.
- iv. The permanent replacement footbridge to be constructed as part of the development shall be: (a) constructed at NR’s cost as part of the development, (b) compliant with the standards set out in the Design Manual for Roads and Bridges, and (c) either incorporated into a rail span to be constructed across Botley Road as part of the development or a like for like replacement of the existing footbridge.
- v. To collaborate and co-operate in formulating final designs for the development to address any reasonable requests relating to highway, traffic or transport issues in particular highway safety and specifically to revise current designs to: (a) improve the convenience and safety of all points where cyclists leave and re-join the carriageway and (b) increase the width of the footway/cycleways on both sides of Botley Road so far as is reasonably practicable within the existing highway boundary, in both cases to comply with the standards set out in Local Transport Note (LTN) 1/20 (Cycle Infrastructure Design) published by the Department for Transport in July 2020 and to implement the agreed final designs when carrying out the development provided always that any requests over and above

those set out in paragraphs (a) and (b) above shall fall within the parameters of the Prior Approval and shall not require NR to obtain any additional planning consents.

- b. The County Council provides assurances that it will co-operate and support NR in settling the final form of the section 278 agreement and in settling the railway bridge agreement and footbridge agreement at Botley Road.

45. Highways and access issues were considered in the officer report for the prior approval application. Again the County Council were content that any impacts would be acceptable. As the officer report records [NR26]:

“9.19 Oxfordshire County Council have concluded in their comments that they raise no objection to the scheme and acknowledge that it supports the provision of additional rail capacity and the redevelopment of Oxford Station. They raise no objection and are satisfied that the scheme will have a negligible impact on the local highway network.”

46. Conditions have been imposed on the prior approval to deal with highways and access issues: no.9 (pedestrian bridge); no.22 (construction traffic management plan); no.23 (cycle parking).

47. A transport assessment was produced for the prior approval application (Appendix 13.1 of the environmental assessment (vol 4) [NR19(z)]). This concludes that there are no unacceptable transport or highways impacts, and that:

“the Scheme is not expected to increase traffic movements and therefore would not impact on either the highway or local junction network once fully operational in 2025.” (8.1.3)

“There would be a slight temporary impact during construction, notably to local bus services as well as increased journey times by users who travel by vehicles.” (8.1.6)

“The Scheme would be beneficial in terms of sustainable travel for the area and neutral in terms of vehicular travel.” (8.2.2)

48. The TA explains the likely temporary road closures required, which include (5.5.1; 6.3.8ff):
- a. A minimum 4 days road closure to undertake the Botley Road bridge deck replacement.
 - b. A signalised single lane shuttle working system along Botley Road for six months during the highway works, along with some temporary footpath closures.
49. A proposed Traffic Management and Road Closure Plan has been provided in the TA (Appendix D), to which the County Council has not objected and can form part of the CTMP.
50. As to access over Sheepwash Bridge and along Roger Dudman Way, LW explains that the intention is to use a temporary bridge over the Sheepwash Channel to maintain access throughout the works period (proof 4.2.1 – 3). A technical construction staging plan has been provided to show how this can be done, which involves the temporary bridge being put in place before the existing one is removed (LW proof appendix 2). The TA at 5.5.1 [NR19(z)] explains that Roger Dudman Way would be closed to traffic overnight for five nights for plant access, with LW adding in oral evidence that the likely closures would be between 11pm and 8am approximately. LW also explained that consideration would be given once a build contractor had been appointed to whether arrangements could be put in place to avoid full closures, i.e. access could be maintained over Sheepwash Bridge via the staging arrangement and by workmen briefly downing tools to accommodate traffic if required.
51. However if that was not possible, then NR would rely on an alternative means of vehicular access (both for general and emergency traffic) from Walton Well Road over a bridge over Castle Mill Stream, at the northern extent of Roger Dudman Way (see LW proof fig.1 p.9). LW explained that it would be relatively straightforward to make such improvements as required to this route to enable vehicular access. The bridge has a weight limit that can be temporarily propped to increase its weight limit, or the bridge can be replaced temporarily with another bridge with a higher capacity (e.g. a Mabey Quickbridge). The roadway leading to the bridge will also need to be remodelled (fill and tarmac to ease

corners and minor fenceline modifications to facilitate). Walton Well Road bridge over the railway may also need strengthening to facilitate enhanced temporary access. LW explains that he has reviewed inspection reports for the bridge and concludes that it is a practical solution in the timeframes of the project. Walton Well Road bridge is outside the order limits but JDL confirmed orally it was owned by NR and is public highway, such that no extra rights are required to undertake the necessary works.

52. LW's engineering evidence on this matter is unchallenged. Whichever option is taken forward, there can be confidence that access will be maintained. Further, NR has included provision in the Order to require access to be maintained. Article 13(8) provides that no private rights of way over plots 6b and 6c (which include Sheepwash Bridge) are to be extinguished but can be suspended on notice given by NR. Article 13(8)(b) provides that NR can only suspend rights of way on there being available an alternative or diverted route. Accordingly, if NR do consider they need to temporarily close Sheepwash Bridge, alternative access arrangements will need to be put in place.

53. A limited number of pay and display and permit parking bays would be permanently lost on Roger Dudman Way and Cripsey Road. An estimate of numbers is given in [ID6]. Given that the general policies of the City and County Councils is to move from private car to more sustainable options, there are no proposals to replace these, albeit there may be some opportunities for informal parking within the new road layout (TA 5.5.9).

54. There were no objections to the prior approval application from 'blue light' services. The TA explains how the traffic management arrangements could make appropriate provision for them (e.g. 6.3.11). As set out above, necessary access will be maintained.

(b) The likely impact of the TWA Order on Oxford University

55. This will be dealt with below in a separate section on the University.

(c) The likely impact of any removal of the Osney Lane to Mill Street bridge during construction works

56. The construction works will not require removal of the Osney Lane to Mill Street bridge, but only its temporary closure for approximately 4 - 8 weeks whilst the pier of the footbridge on the western side of the railway is reconstructed entirely on Network Rail's land. This timescale is the current estimate of the project manager following responses from the tendering by build contractors. The steps and the span of the footbridge will remain unchanged by the proposed works but for safety reasons the bridge will need to close for public use during this time. The final design of the footbridge pier has yet to be agreed and is subject to detailed design.

57. As requested, NR have through Mr Field (supplementary proof para 4.3) provided an assurance to the local community, the Inspector and the Secretary of State, that the closure of the footbridge for the project works will only be temporary whilst those project works are undertaken. NR do not consider it necessary to provide a written undertaking, given that there is no public right of way over the footbridge at the moment and the acceptability of the Order is not contingent on this matter.

(d) The likely impact on the Co-op Children's Nursery

58. This will be dealt with below in a separate section on the Co-op's objection.

Matter 4: The effects of the scheme on statutory undertakers, statutory utilities and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory or contractual obligations and the protective provisions afforded to them

59. Protective provisions are included in the Order in Schedule 5, for: electricity, gas, water and sewerage undertakers (Part 1); the operators of electronic communications code networks (Part 2); Southern Gas Network Plc ("SGN") (Part 3); Thames Water (Part 4). The two statutory undertakers who originally objected, SGN and Thames Water, have now withdrawn their objections on the inclusion of these protective provisions and on NR entering into separate agreements with them (see JDL supplementary proof appendix 1; SGN notified withdrawal by email dated 29 September 2021 and Thames by letter dated 24 November 2021).

Matter 5: Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” published on 29 October 2015 (as amended on 16 July 2019):-

(a) whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme

60. NR submits that the evidence before the inquiry overwhelmingly demonstrates a compelling case in the public interest for making the Order so as to enable the compulsory acquisition of land and rights. There is a pressing need for the OSP2 Project which the compulsory acquisition will facilitate, along with a raft of economic, social and environmental benefits, as set out in detail in the evidence of CN in particular and under Matter 1 above.

61. The compelling case is further enhanced by the fact that the need is immediate. The OSP2 Project needs to progress now to meet the December 2024 timescale for the enhanced train service specification including the arrival of East West Rail: see the project timetable at Table 2.2 (p.26) of the officer report for the prior approval, which is based on a start on site as soon as November 2022 [NR26]. Also in accordance with paragraph 13 of the Guidance, NR has a clear idea of how it intends to use all the land, as set out under Matter 1 above and under point (d) below.

(b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Human Rights Act)

62. In light of the compelling case set out, the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected. Whilst owners of Order land may be deprived of parts of their property such that Article 1 of the First Protocol of the European Convention on Human Rights is engaged, Article 1 allows for compulsory acquisition “in the public interest”. Article 1 requires a balance to be struck between private and public interests and in the present case NR considers that the evidence shows that the

balance comes down firmly in favour of compulsory acquisition. The interference with Article 1 rights is proportionate and lawful. The need for and benefits of the Scheme are very significant, the interference with land interests is in many cases limited, the interference has been mitigated so far as is reasonably possible, and compensation will be payable in accordance with the compensation code.

(c) whether there are likely to be any impediments to NR exercising the powers contained within the Order, including the availability of funding

63. As set out above, prior approval for the OSP2 Project was granted by Oxford City Council by decision notice dated 26 November 2021 (21/02007/PA18) [NR35].

64. It is anticipated that two further minor prior approvals or planning permissions may be required, neither of which constitute a likely impediment to the scheme. First, planning permission is likely to be required to reconstruct the eastern wall of the Co-op nursery a metre or so from where it currently is, to accommodate the realignment of the retaining wall (see indicative drawing at JDL proof appendix 2 p.238). CF has given his professional view as a planner that this will be a straightforward proposal given that the existing nursery building is not listed and does not have any particular design merit, and there will be no impact on any nearby properties. In accordance with the CPO Guidance (para 14), “there is no obvious reason why [the further planning permission] might be withheld”. It is also appropriate that this application is made a future date rather than now, as the detail of the application will depend on matters to be agreed between NR and the Co-op.

65. Secondly, a prior approval application is likely to be required for crash barrier at the base of the reconstructed west pier of Osney Lane footbridge, as explained in CF supplemental proof 4.5 – 4.9. The new crash barrier is a modest and unobtrusive structure which will appear in the context of the existing footbridge, pier and rail infrastructure, and will not be clearly visible from the wider neighbourhood or raise any sensitive planning issues. CF again gives his professional view that it will be an uncontentious application. Accordingly, this does not constitute a likely impediment either. It is also appropriate that this

prior approval application is made when the detailed design is worked up rather than now.

66. The List of Consents, Permissions or Licences under Other Enactments [NR10] has been provided with the application, which also includes a s.80 demolition notice and temporary traffic regulation orders. NR's proofs of evidence have noted that, as is usual for a project of this size, certain other formal regulatory requirements may be necessary, in particular an environmental permit for the Sheepwash Bridge works (CF proof para 5.8.14; EA letter 1 November 2021 at p.3 [NR31]) and Station Change (CN proof para 9.2.8), and there is no suggestion that either would not be forthcoming.

67. The Secretary of State can be satisfied that funding arrangements are in place for the OSP2 Project, in accordance with para 14 of the CPO Guidance. The Funding Statement [NR5] explains that the estimated final cost of delivering the scheme is £161.4m (as broken down in the Estimate of Costs [NR6]), of which £72.7m has already been received. The OSP2 Project is included within the Rail Networks Enhancement Pipeline ("RNEP") and progressed through the Decision to Design gateway in March 2021 resulting in receipt of £68.8m (with the other c.£4m being monies already available to scheme). All costs associated with the exercise of the Order powers, including all land acquisition, form part of the £72.7m. The remaining funding will be made available in accordance with the RNEP governance process, with a final investment decision for this due in spring 2022. CN explained in oral evidence that the Full Business Case to support that decision is in the process of being finalised and continues to show high value for money in terms of benefit cost ratio. The Department for Transport's 12 May 2021 letter (Annex 1 of [NR5]) provides assurance that funding will be available subject to the required consents being obtained and it continuing to be value for money (as is anticipated). The letter confirms "*the Government's commitment to Oxford Phase 2 along with the allocation of funding subject to ongoing consideration to ensure the project delivers the best results for both rail users and taxpayers*".

(d) whether all the land and rights over land which NR has applied for are necessary to implement the scheme

68. NR has justified the inclusion in the Order of all the land and rights over land sought. JDL proof appendix 4 (p.300) explains the justification for each plot individually. This includes the purpose specific to each plot, which all directly relate to the OSP2 Project, and the basis on which each plot is required (permanent acquisition / temporary possession / rights only). No evidence has been advanced by any objector to indicate that any of the land take or rights sought are excessive or unnecessary.

Matter 6: Whether all statutory procedural requirements have been complied with

69. The application has been made in accordance and in compliance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. The procedural requirements, including notice and publicity requirements, have been complied with and no party has suggested otherwise.

Matter 7: Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State decision

70. Section 5(6) of the Transport and Works Act 1992 provides that a TWA order “shall not extinguish any public right of way over land unless the Secretary of State is satisfied – (a) that an alternative right of way has been or will be provided, or (b) that the provision of an alternative right of way is not required.” The Order does not seek to extinguish any public rights of way, save for Article 15 which stops up the former Oxford Station Emergency level crossing parallel to Botley Road (plot 34) and extinguishes all rights of way over that level crossing. Given that it is a disused level crossing (being both redundant and physically blocked from use on safety grounds) the provision of an alternative right of way is not required. In the County Council’s deed of agreement with NR, the County Council has stated its support for formalising the closure of this redundant level crossing (JDL proof 4.10.4).

Remaining objector: Rail Gourmet UK Ltd

71. Rail Gourmet UK Ltd are the leaseholder of a unit which they themselves occupy and which is located in what is known as the Traincrew Building, which is next to Platform 1 on the west side of the station. They do not occupy any

other site within the station and do not have any interest within the Order limits. They are not subject to compulsory acquisition or interference with their interests. This is explained and evidenced in JDL proof para 4.3.1- 2 and appendix p.74, and JDL supplementary proof appendix 4.

72. Rail Gourmet are therefore not a statutory objector within the meaning of rule 23(2) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 [B3] or section 11(4) of the Transport and Works Act 1992 [B1].¹

73. NR have explained this to Rail Gourmet and asked that the objection be withdrawn: JDL supplementary proof para 3.2.1 and appendix p.20 (email 25 November 2021). Rail Gourmet have responded that they will only do so if assurances are given about rent arrears (see Adrian Rose email 3 December 2021). That is unreasonable and irrelevant to the issues.

74. Rail Gourmet's grounds of objection in its objections document of 22 June 2021 all relate to alleged compulsory acquisition. Given that Rail Gourmet are not subject to any compulsory acquisition, those grounds are without substance.

Remaining objector: Select Service Partner Ltd ("SSP")

75. SSP hold leases of the units in Oxford station occupied by Delice De France, M&S Simply Food, Upper Crust and Pumpkin café. With the exception of Pumpkin café, all of those units are outside the Order limits, being located in the main station building, and are not subject to any compulsory acquisition or interference with their interests. SSP's grounds of objection in its objections document of 22 June 2022 all relate to alleged compulsory acquisition. Given that SSP in respect of those units are not subject to any compulsory acquisition, the grounds as they relate to those units are without substance.

76. As to Pumpkin café, NR have been engaging with SSP directly since April 2021, with the schedule of engagement in JDL proof appendix 1 p.31 – 33 and

¹ See section 11(4): "where the proposals include the compulsory acquisition of land, any person who, if Part II of the Acquisition of Land Act 1981 (notice to owners, lessees and occupiers) applied to the acquisition, would be entitled to a notice under section 12 of that Act", i.e. owners and occupiers with an interest in the land; see also para 4.15 of A Guide to TWA Procedures [D3].

supplementary proof appendix 2 p.18 recording regular correspondence, meetings and phone calls between the parties' representatives, often on a weekly basis or more regularly. A without prejudice financial offer was made to acquire possession on 31 July 2021. A selection of the correspondence at JDL proof appendix 1 p.74 – 95 and JDL supplemental proof p.19 – 20 evidences the engagement and attempts to reach agreement, in accordance with the CPO Guidance.

77. NR has given serious consideration to whether it is possible to relocate Pumpkin café but has concluded that it is not feasible. As explained in LW's proof at 4.3.1 – 3 and orally, the existing café and other operational units on the platform need to be demolished to allow construction of the new units, new platform canopy, Platform 5 face and new Down Oxford Passenger loop. There is insufficient usable width (whilst allowing safe passenger usage) on Platforms 1 – 3 to site the café. Whilst in theory the Pumpkin café could be sited elsewhere on Platform 4, there will be rolling closures of parts of Platform 4 during the works with temporary barriers to keep the worksites separate, and the operational units (e.g. staff offices, train dispatch, storage space) need to be maintained throughout the works for safety and operational reasons, so these will take priority as the first units to be installed. Temporary toilet and waiting room facilities will also take priority as these will need to be installed for passengers on Platform 4 ahead of the permanent building, which reduces the available capacity on Platform 4. Rail safety standards provide that in the present case the platform width must also not be less than 2.5m, which also limits the space available.

78. NR's detailed technical evidence on this subject is uncontradicted. SSP have adduced no evidence, technical or otherwise. Notwithstanding the opportunity to elaborate on their brief objections document dated 22 June 2021, SSP have simply stated that they intend to wait to see the outcome of the inquiry: see JDL supplementary proof appendix 2 p.19-20.

79. Relevant also to the balance to be struck is that SSP occupy under a lease from 2013 which can be terminated on grounds that the site is needed for redevelopment: see JDL proof para 4.4.8. GWR, not NR, are the landlord, such that NR is not able to effect this termination without a surrender of the

landlord's interest. However, the fact that SSP occupy under a lease which contemplates that redevelopment could lead to lease termination means that NR's compulsory acquisition for that same purpose is a scenario which SSP have always been prepared to countenance.

80. For all the above reasons, the grounds of objection briefly articulated in SSP's objections document dated 22 June 2021 are without merit. Contrary to that document: there is a compelling case in the public interest – see para 60 above; NR have engaged conscientiously and sought to progress negotiations – see para 76 above; NR has explored relocation – see para 77 above; and the interference is lawful and proportionate and there is no breach of Article 1 of Protocol 1 – see para 62 above.

Remaining objector: David Bradbury

81. Mr David Bradbury in his objection email of 20 June 2021 alleges that compulsory acquisition is excessive and premature, on the basis that the access via Walton Well Road may not be required, such that the full extent of rights sought in the plots around the north of Roger Dudman Way may not be required.
82. Mr Bradbury says that the decision as to which access route is to be used should be reached before the Order is made. That is neither necessary nor reasonable. The need for the OSP2 Project is pressing, in light of the proposed introduction of the new train service specification in December 2024. The project cannot wait. As set out in paragraphs 50-51 above, the decision as to whether the fallback access via Walton Well Road is required needs the input of the build contractor, who is yet to be appointed. There is no reason why the land assembly process should await the appointment of the build contractor. Indeed, it is in the interests of securing funding and progressing the scheme that land assembly takes place as soon as possible.
83. There is no prejudice to Mr Bradbury by the inclusion in the Order of the rights to enable temporary access from via Walton Well Road. If access can be maintained over Sheepwash Bridge at all times, then rights may not need to be exercised at the northern extent of the Order limits. If access is required via Walton Well Road, then the rights will be exercised. Access to Mr Bradbury's property on Venneit Close will be maintained, as discussed above.

84. NR have engaged with Mr Bradbury and sought to explain the land requirements to him in order that he might withdraw his objection, but he has refused (JDL proof appendix 1 p.30 and p.48 – 65).

Remaining objector: Co-operative Children's Nursery

85. The OSP2 Project involves land take from the Co-op's nursery building which cannot reasonably be avoided. Alternative designs have been considered as described at paragraphs 31-33 above, but these are not practicable or reasonable solutions for the reasons there set out. There is no contrary engineering or other evidence to challenge that put forward by NR on this subject. The challenge to the need for acquisition in the Co-op's 22 July 2021 objection letter (para ii) is without substance.

86. In the same paragraph, the Co-op suggest that "to increase the level of the highway [would] avoid any permanent acquisition of our client's Property". As LW explained in oral evidence, and also confirmed in JDL proof para 4.8.9 reporting the comments of NR's project engineer, increasing the height would not be beneficial to either party as it would increase the loading on the wall and therefore the land take needed for the wall (e.g. buttresses for the wall).

87. NR recognise the importance of taking steps to minimise the impact on the Co-op, both as a general principle of the compulsory purchase process, and also specifically because of the benefit to the community of the childcare services provided by the nursery. NR have engaged extensively to seek to reach agreement with the Co-op, as evidenced by the full schedule of engagement showing frequent and substantive communication since 3 July 2020 comprising letters, emails, phone calls, meetings and site visits (JDL proof appendix p.34 – 39; supplementary proof appendix p.21-26), and accompanying bundle of key correspondence and meeting minutes (JDL proof appendix p.132 – 238; supplementary proof appendix p.27-32).

88. The focus between July 2020 and January 2021 was on providing temporary alternative accommodation. In February 2021, the Co-op's agents asked NR to explore permanent relocation, which NR agreed to, with Savills funded by NR to conduct a property search (and to maintain a watching brief to this day, as

explained by JDL in oral evidence). Savills were unable to locate any suitable available properties and therefore concluded that “we can therefore ‘cross’ this option off” (email 14 May 2021 at JDL proof appendix p.224).

89. Co-op’s objection letter of 22 July 2021 confirms that temporary relocation is its preferred option (para vi). That is what NR and the Co-op have subsequently been working towards and on 13 October 2021 the Co-op provided NR with draft heads of terms to form the basis of an agreement (JDL proof appendix p.232). JDL has recorded what those heads of terms contain – essentially for NR to provide suitable temporary premises to re-locate the Co-op, for NR then to modify the existing nursery building and return it to the Co-op after the OSP2 Project works, for NR to agree with the Co-op specifications of both the temporary modular premises and the modified existing building, and for the Co-op’s costs and expenses to be paid (supplementary proof 3.5.2). As evidenced by the schedule of engagement and attached correspondence, discussions have been progressing towards an agreement, and JDL confirmed in oral evidence that the latest that he had heard was a communication this week that the Co-op’s architect was reviewing NR’s specification for the temporary premises and NR could expect to receive something back shortly.

90. In light of the absence of agreement, NR will submit to the Inspector and Secretary of State an undertaking, a draft of which has been provided. NR ask for seven days to submit a signed version. The undertaking will be given by NR to Kenmare Estates Limited (the freeholder) and the Co-op (the occupier) and will legally 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. The undertaking incorporates the substance of the heads of terms provided by the Co-op, such that it provides what the Co-op considered would be sufficient to address its concerns.

91. In terms of other paragraphs of the Co-op’s letter of objection of 22 July 2021:

- a. Para (i) notes that the whole of the nursery land is sought to be acquired, whereas only a portion to east is permanently required. This is addressed by the provision in the undertaking that only Plots 11 and 11a will be permanently retained, with provision for a right of access only across the remainder of the property (i.e. Plot 10) for the purpose of maintaining the new retaining wall.
- b. Temporary relocation is being facilitated in accordance with para (iii). The proposed location of the temporary premises on Plot 40 in Becket Street car park is appropriate given it is a similar proximity to the station and so enables the nursery to continue to serve commuting parents who are dropping off and picking up children. Site visit notes record Co-op staff as describing the temporary site as an ideal location (JDL proof appendix p.186).
- c. As to para (v), NR consider that the need for the OSP2 Project has been comprehensively explained. Further, as set out in CN's written and oral evidence, including his supplementary note (para 1.4) [ID7], the Covid pandemic has not undermined this need case.
- d. As to para (vi) and (vii), NR consider that para 7.9 of the consultation report [NR7] is accurate and supported by the correspondence in JDL's appendices. But in any event engagement has been full and meaningful and information has been properly shared, as evidenced by the advanced stage of negotiations that NR and the Co-op have now reached, which JDL in oral evidence confirmed NR would continue to progress.

Oxford University and OUFAL

92. This objection has now been withdrawn by the University and OUFAL's email of 8 December 2021 to the DfT [ID4]. NR have agreed a compromise agreement with the University to address their concerns, as recorded in the withdrawal email. JDL proof p.6 para 3.4.2 sets out the content of the agreement (by reference to a draft then in circulation, but the substance of which remains the same in the final agreement). The land plans have also 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].

93. The 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 cables;
- 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.

94. By withdrawing their objection, the University and OUFAL accept that their concerns have been addressed and should not hinder the scheme. The withdrawal provides the answer to matter 3(a), i.e. "the likely impact of the TWA Order on Oxford University". Any impact is acceptable, has been appropriately mitigated by the steps taken by NR including the compromise agreement, and is not a basis to refuse the application. The University's statement of case raised various matters, all of which are addressed by the terms of the agreement set out above and NR's evidence to the inquiry. In particular:

- a. The Sheepwash bridge ownership issue has been resolved in the way sought by the University: see above.

- b. The University's concerns as to disruption to utilities including the University's fibre optic cables is addressed in the agreement. See also JDL proof para 4.6.14 – 17 and LW proof 4.4.4 and oral evidence, who between them confirm that service continuity can be provided, subject to limited planned outages which can be managed and have been discussed with the University.
- c. Access to the University properties (and all other properties) on the section of Roger Dudman Way north of Sheepwash Bridge will be maintained: see para 52 above.

Conclusion

95. NR say that the policy in A Guide to TWA Procedures (Department for Transport, June 2006) and the CPO Guidance (Guidance on the Compulsory Purchase Process and the Criche Down Rules, MHCLG, July 2019) is strongly supportive of making the Order. There is a compelling case in the public interest for acquisition. The extent of the Order has been justified and the remaining objections to the Order have been comprehensively addressed. Network Rail invite the Inspector to recommend the making of the Order to the Secretary of State, subject to the modifications proposed.

HUGH FLANAGAN

Francis Taylor Building

Inner Temple

9th December 2021