



# **Report to the Secretary of State for Transport**

**by Kevin Gleeson BA MCD MRTPI**

**an Inspector appointed by the Secretary of State for Transport**

**Date: 8 March 2022**

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**TRANSPORT AND WORKS ACT 1992**

**ACQUISITION OF LAND ACT 1981**

**APPLICATION FOR**

**THE NETWORK RAIL (OXFORD STATION PHASE 2 IMPROVEMENTS  
(LAND ONLY)) ORDER 202[ ]**

Date of Inquiry: 7- 9 December 2021

DfT Ref: TWA/21/APP/03

Planning Inspectorate Ref: DPI/G3110/21/24

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## TABLE OF CONTENTS

Abbreviations & Glossary	3	
Case Details	5	
Preamble	5	
Description of the Order Land and its Surroundings	8	
The Case for the Applicant	8	
The Cases for the Supporters	27	
The Cases for the Objectors	27	
Other Representations	29	
Inspector's Conclusions	29	
Recommendation	36	
Appendix A – Appearances	37	
Appendix B - Inquiry Documents		38

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## **ABBREVIATIONS & GLOSSARY**

BCR	Benefit/ Cost Ratio
DfT	Department for Transport
ES	Environmental Statement
EWR	East West Rail
GWR	Great Western Railway
NPPF	National Planning Policy Framework
NR	Network Rail Infrastructure Limited
NPSE	Noise Policy Statement for England
OBC	Outline Business Case
OSP2 Project	Oxford Station Phase 2 Improvements
OUFAL	Oxford University Fixed Assets Limited
Oxford University	The Chancellor, Masters and Scholars of the University of Oxford
RDW	Roger Dudman Way
RNEP	Rail Networks Enhancement Pipeline
SOAEL	Significant Observed Adverse Effect Level (in the Noise Policy Statement for England)
SoST	Secretary of State for Transport
SoM	Statement of Matters
SSP	Select Service Partner Ltd
TA	Transport Assessment
the Co-op	The Midcounties Co-operative
the CPO Guidance	Guidance on Compulsory Purchase Process and The Crichel Down Rules, MHCLG, July 2019
the Order	The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 202[ ]
TSS	train service specification

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TWA

Transport and Works Act 1992

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## CASE DETAILS

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### **APPLICATION FOR THE NETWORK RAIL (OXFORD STATION PHASE 2 IMPROVEMENTS (LAND ONLY)) ORDER 202[ ]**

- The Order would be made under sections 1 and 5 of the Transport and Works Act 1992.
- The application for the Order was made by Network Rail Infrastructure Limited (NR) on 4 June 2021.
- There were five remaining objections outstanding to the Order at the commencement of the Inquiry.
- The Order would confer powers of compulsory acquisition on NR for the purpose of acquiring land and rights and use of land to facilitate the improvement and upgrade works to create a new western entrance to Oxford Station, additional railway track and platforms, new rail bridges, highway improvements and associated works.

**Summary of Recommendation: That the Order be made subject to modifications.**

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## PREAMBLE

### **The Application and Objections**

1. The Applicant, Network Rail Infrastructure Limited (NR), owns and operates the rail infrastructure of Great Britain. Its purpose is to deliver a safe, reliable and efficient railway. NR is primarily responsible for maintenance, repair and renewal of track, stations, signalling and electrical control equipment<sup>1</sup>.
2. NR seeks powers by way of The Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 202[ ] (the Order) under sections 1 and 5 of the Transport and Works Act 1992 (TWA) in relation to a range of proposed changes to Oxford Station.
3. A total of 28 objections to the proposed Order were originally received by the Department for Transport (DfT). Thirteen of the objections were considered to be Statutory Objectors with a qualifying interest in property. Twenty-three objections were withdrawn prior to the Inquiry of which four were reclassified: three as representations and one as an expression of support. Consequently, there were five objections at the start of the Inquiry, two of which were withdrawn during the course of the Inquiry leaving three objections unresolved at the close of the Inquiry<sup>2</sup>.
4. In addition, there were initially two representations and three expressions of support. Consequently, there were five representation and four letters of

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<sup>1</sup> Document E-01.

<sup>2</sup> OBJ-03 (Mr David Bradbury), OBJ-04 (identified in the DfT Schedule of Objections as and Select Service Partner Limited and Rail Gourmet UK Limited but treated as two separate objections (OBJ-04a and OBJ-04b) during the Inquiry and in this report) and OBJ-22 (the Midcounties Co-operative).

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support relevant to the consideration of the Order at the close of the Inquiry.

5. I have reported on these remaining objections, representations and the letters of support.

### **Statement of Matters**

6. On 26 October 2021 the DfT issued a Statement of Matters (SoM) pursuant to Rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004<sup>3</sup>. This sets out the matters about which the Secretary of State for Transport (SoST) particularly wishes to be informed for the purposes of their consideration of the Order.

7. The matters specified are:

*'1. The aims and objectives of, and the need for, the proposed Oxford Station Phase 2 improvements ('the scheme').*

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

*3. The likely impact of the exercise of the powers in the proposed TWA Order on local businesses, residents and visitors. Consideration under this heading should include:*

*(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;*

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

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

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

*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.*

*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.*

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<sup>3</sup> Document B-04.

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*(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);*

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

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

6. *Whether all statutory procedural requirements have been complied with.*

7. *Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State decision.'*

### **Pre-Inquiry Meeting**

8. I held a Pre-Inquiry Meeting at Jury's Inn Oxford, Godstow Road, Oxford OX2 8AL on 11 November 2021 to identify procedural matters relating to the Inquiry which applied to the applicant and all parties who had submitted objections, letters of support or representations. There was no discussion of the merits of any cases for or against the proposals. A note of the Pre-Inquiry Meeting was published on the Inquiry website<sup>4</sup>.

### **The Inquiry**

9. The Public Inquiry was called by the SoST under section 11(1) of the TWA. I was appointed by the SoST under the TWA to hold an inquiry into the application for the TWA Order.
10. I opened the Inquiry at 10.00am on Tuesday 7 December 2021. The Inquiry was also held at Jury's Inn Oxford and sat on 7, 8 and 9 December 2021.
11. Mrs Joanna Vincent was appointed as independent Programme Officer for the Inquiry. Her role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. She helped greatly to ensure that the proceedings ran efficiently and effectively but played no part in this report.
12. I inspected the Order Land and its surroundings after the Pre-Inquiry Meeting on 11 November 2021 and during the Inquiry on 9 December 2021. The inspections were both undertaken unaccompanied.

### **This Report**

13. This report sets out a brief description of the land covered by the proposed Order, its surroundings and the main elements of the cases for the applicant, supporters, objectors and those making representations and my conclusions and recommendation. A list of abbreviations and a glossary of terms used in this report is given at the start of this report and lists of those appearing at the Inquiry and of Inquiry documents are appended.

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<sup>4</sup> Note of PIM Oxford Station Phase 2.

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14. I make a recommendation to the SoST on the application for the Order.

### **DESCRIPTION OF THE ORDER LAND AND ITS SURROUNDINGS**

15. Oxford Station is approximately half a mile west of Oxford city centre, northwest of Frideswide Square and at the eastern end of Botley Road. It is on the train line between London Paddington and Hereford via Worcester Shrub Hill. It is a starting point for fast and local trains to London Paddington and for local trains to Reading, Worcester and Bicester. It is also on the route linking Reading to Manchester Piccadilly and/ or Newcastle Central via Birmingham New Street. The station is operated by Great Western Railway (GWR) and is also served by CrossCountry and Chiltern Railways trains<sup>5</sup>.
16. The station currently comprises a main station building, north and south bound platforms, two bay platforms, two through lines for freight and non-stopping trains, associated buildings and structures, and a station forecourt which provides a taxi rank and bus interchange. The west side of the station has various operational buildings and land.
17. The majority of the Order Land required for the Oxford Station Phase 2 Improvements (OSP2 Project)<sup>6</sup> comprises land abutting the existing station and its surroundings on the western side of the railway. In addition, land forming and adjacent to Botley Road and Cripsey Road is sought together with land forming the private road (Roger Dudman Way (RDW)) which provides private access to University Halls, Castle Mill Flats and Venneit Close. Beyond the northern extent of RDW the Order Land comprises land to the east of the Cripsey Meadow Allotment Gardens, the bridge over the Castle Mill Stream and the public car park (Port Meadow South Parking) and the pedestrian bridge south of Walton Well Road. Immediately to the north of the Station is the Sheepwash Bridge over the Sheepwash Channel. To the north of the Sheepwash Channel is the Midcounties Co-operative (the Co-op) nursery<sup>7</sup>.
18. Additional Order Land is sought south of Oxford Station on the east side of the railway within the existing Beckett Street car park as well as the YHA hostel and an office and cafe on Cripsey Road.
19. The Order Land, within the TWA application as submitted, comprised a total of 40 plots with permanent acquisition sought in respect of 26 of those plots. Temporary use only was sought in respect of the remaining 14 plots.
20. These characteristics of the Order Land and its surroundings are more fully detailed in the applicant's statement of case and the planning statement<sup>8</sup>.

### **THE CASE FOR THE APPLICANT**

21. 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

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<sup>5</sup> Document NR-14 section 3.

<sup>6</sup> Documents E-01 section 5.3 and NR/CF-1 section 3.

<sup>7</sup> Document NR-14 paragraph 3.1-3.3.

<sup>8</sup> Documents E-01 section 5 and NR-14 section 3.



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Junction and Aynho Junction. As well as enhancements to the station and rail infrastructure, the OSP2 Project proposes improvements to highways and the public realm. The work comprising the OSP2 Project is summarised in various Inquiry documents including Mr Field's evidence<sup>9</sup>. All of the proposed works forming part of the OSP2 Project are within Oxford where Oxford City Council is the local planning authority and Oxfordshire County Council the highway authority.

22. The Order is a "land only" order seeking powers on NR to acquire land and rights, and to temporarily possess land, to facilitate the delivery of the OSP2 Project. It would also extinguish or suspend third party interests in the land and stop and discontinue a disused level crossing.
23. The Order does not contain any works powers or seek deemed planning permission. The OSP2 project is permitted development under Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. An application for prior approval for the OSP2 project was considered by the Oxford City Council Planning Committee on 9 November 2021<sup>10</sup>. The formal decision notice was issued by Oxford City Council on 26 November 2021 (21/02007/PA18)<sup>11</sup>.
24. The issues raised in the SoM are addressed below.

**The aims and objectives of, and need for, the scheme (Matter 1)**

25. NR has identified the aims and objectives for the OSP2 Project which are set out comprehensively in Mr Nash's evidence<sup>12</sup> and in summary are:
  - to deliver significant economic and strategic benefits for both freight and passenger services including the introduction of East West Rail (EWR) services in 2024 and beyond;
  - to unlock physical and timetabling constraints at Oxford Station, delivering additional performance and capacity to enable the introduction of new services;
  - to deliver enhanced connectivity across the region, supporting the levelling up agenda;
  - to enhance passenger experience and local accessibility by providing a new west station entrance including promoting pedestrian and cycle access;
  - to increase platform capacity to accommodate an additional three passenger trains per hour into Oxford providing improved connectivity to Banbury, Birmingham and throughout the Oxford-Cambridge Arc;
  - to facilitate growth in freight services;

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<sup>9</sup> Document NR/CF-1 section 3.

<sup>10</sup> Document NR-26.

<sup>11</sup> Document NR-35.

<sup>12</sup> Document NR/CN-1 section 4.

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- to deliver journey time improvements for passengers using Platform 4 travelling west on Botley Road;
  - to improve pedestrian flows through the station in compliance with industry standards for existing and forecast demand growth;
  - to improve road safety through reduced risk of incidents involving pedestrians and cyclists;
  - to deliver extensive public realm improvements;
  - to support future electrification through Oxford Station;
  - to deliver savings attributable to asset management/ maintenance;
  - to enable the future re-development of the east side of the station including the future Oxford Station Masterplan;
  - to provide the catalyst for major adjacent development opportunities in Oxford's West End, alongside the station development;
  - to deliver additional capacity to support housing growth proposed in the Oxford-Cambridge Arc; and
  - to contribute to decarbonisation by encouraging modal shift and increased rail freight capacity.

#### The Need for the OSP2 Project

26. NR considers that inextricably linked with the issue of need is the benefits which the OSP2 Project would provide. NR considers the need to be both compelling and pressing.
27. The main element of the need for the OSP2 Project derives from 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<sup>13</sup>. Detailed capacity work<sup>14</sup> also demonstrates that the existing rail infrastructure has insufficient capacity for this service enhancement<sup>15</sup>.
28. Oxford Station has insufficient platform capacity for the three additional passenger trains per hour on the 2024 TSS<sup>16</sup> while the existing timetable often requires trains to be held outside the station and services have long turnaround times in the bay platforms.
29. Pedestrian flows are also forecast to become non-compliant before 2024<sup>17</sup> and with the forecast increased demand, the footbridge between Platforms 3 and 4 would exceed its peak capacity and lead to unacceptable crowding. The limited footbridge capacity is aggravated by the limited canopy provided on Platform 4 which encourages people to wait for trains in the area at the

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<sup>13</sup> Document C-02 paragraphs 1.5.2.4, including Figure 16; 2.2.1 and 2.5.

<sup>14</sup> Documents C-10 and NR/CN-1.

<sup>15</sup> Document C-02 paragraph 2.21

<sup>16</sup> Document C-02 paragraph 2.1.1.

<sup>17</sup> Document C-02 paragraph 2.1.1.

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- 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<sup>18</sup>.
30. Parts of the line north of Oxford Station are also at capacity and cannot accommodate the service enhancements set out in the 2024 TSS<sup>19</sup> but the issues would be resolved by rail infrastructure improvements as part of the wider Oxford Corridor Phase 2 project<sup>20</sup>.
  31. With the majority of the EWR route already consented and the section of the route between Oxford, Bletchley and Milton Keynes under construction<sup>21</sup> the OSP2 Project would allow the potential of EWR to be realised.
  32. The OSP2 Project would significantly assist in unlocking economic growth across the City of Oxford, Oxfordshire as a whole, and the Oxford-Cambridge Arc an area rich in high value engineering, science, technology, and research<sup>22</sup>. The long-term potential to transform the Arc into a world-leading economic area has been recognised by Government which has designating the Arc as a key economic priority while recognising the need to deliver significantly more housing throughout the area<sup>23</sup>.
  33. In spite of the strong local economy and significant assets in research and development, Oxfordshire's knowledge-led economy has relatively low productivity. Poor east-west connectivity and a strong demand for housing in Oxford results in low levels of housing affordability. Constraints on growth are caused by insufficient public transport and an at-capacity road network, together with under-developed business networks and the lack of a critical mass to support growth and investment.
  34. Responding to these issues the Oxfordshire Growth Board has developed a strategic approach to the generation of sustainable growth within the wider context of the Oxford-Cambridge Arc. Through the Oxfordshire Housing and Growth Deal, there will be a step change in the delivery of new homes in Oxfordshire by 2031 with Oxfordshire's population forecast to grow by 39% between 2016 and 2040<sup>24</sup>.
  35. The Oxfordshire economy is also projected to double in size and create 108,000 additional jobs by 2040 with employment growth focussed on the primary locations in Oxfordshire along the Knowledge Spine extending from the research centres at Harwell and Culham through Milton Park, and the Oxford and Begbroke science parks, the City of Oxford to Bicester, Didcot, and Witney<sup>25</sup>.

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<sup>18</sup> Document C-11.

<sup>19</sup> Document C-02 paragraphs 2.3 and 2.4.

<sup>20</sup> Document C-02 section 3, page 35.

<sup>21</sup> Document NR/CN-1 paragraph 8.2.1.

<sup>22</sup> Document C-02 section 1.

<sup>23</sup> Documents D-21 and ID-7.

<sup>24</sup> Document NR/CN-1 section 3.

<sup>25</sup> Document NR/CN-1 section 3.

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36. Improving east west connectivity across the Arc is an important part of the Regional Transport Strategy published by England's Economic Heartland<sup>26</sup> representing local transport and enterprise partnerships across the Arc.
  37. Having sufficient capacity at Oxford Station is central to realising the policy ambitions for Oxfordshire and the wider region, given that Oxford sits at the confluence of a significant number of railway lines<sup>27</sup>.
  38. The Oxfordshire Rail Corridor Study<sup>28</sup> which questioned how the rail system in Oxfordshire can most effectively support economic growth, concluded that Oxford Station is the critical enabler to unlock capacity and connectivity across the region, with the delivery of the additional platform, station works and bridge enhancements being key<sup>29</sup>.
  39. The need for improvement also arises from significant recent growth in passenger numbers, which is anticipated to continue to grow significantly. Journeys to and from Oxford Station have increased by 63% in 10 years, well above the UK average of 42%<sup>30</sup> with passenger journey numbers also predicted to rise greatly<sup>31</sup>.
  40. Passenger satisfaction with Oxford Station reflected in the 2018 National Rail Passenger Survey, found that Oxford was ranked third worst amongst the 56 stations surveyed<sup>32</sup>.
  41. The Future Oxfordshire Partnership representing all six Oxfordshire local authorities recognised the need for and benefits of the OSP2 Project<sup>33</sup>, expressing strong and unanimous support and noting that the Oxford corridor rail improvements are "vital to supporting economic growth and recovery across Oxfordshire, the Oxford-Cambridge Arc and beyond". They expressed particular support for the completion of the Phase 2 works at Oxford Station in providing support for the next stage of EWR.
  42. The Outline Business Case (OBC) concluded that the Phase 2 corridor scheme has a benefit/ cost ratio (BCR) of between 2.85 and 3.39, representing "High" value for money under DfT criteria<sup>34</sup> while the Full Business Case work, currently in draft, is also anticipated to show a BCR of above 3<sup>35</sup>.
  43. The need for the OSP2 Project has not been seriously disputed by any objector to the Order with extensive consultation demonstrating widespread support and limited objection. Additionally, the OSP2 Project would realise the policy ambitions of local authorities and of Government and in meeting

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<sup>26</sup> Document ID-7 pages 12 and 40.

<sup>27</sup> Document D-18 Figure 6, page 8.

<sup>28</sup> Document D-18 page 10.

<sup>29</sup> Document D-18 page 10.

<sup>30</sup> Document C-02 paragraph 1.5.1.

<sup>31</sup> Document C-02 Table 1, page 15.

<sup>32</sup> Document C-02 paragraph 2.2.1.

<sup>33</sup> Document NR-32.

<sup>34</sup> Document C-02 paragraph 4.1.

<sup>35</sup> Mr Nash – oral evidence.

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the identified objectives would bring about substantial economic, social and environmental benefits.

### **The main alternatives to compulsory acquisition (Matter 2)**

44. Project development and optioneering, have robustly tested and established the OSP2 Project requirements including the necessary land take<sup>36</sup>. Through the Oxford Corridor project, initial feasibility work, initial option selection work, and further feasibility work<sup>37</sup> an alternative scheme comprising a new south bay platform was considered but rejected because it would not provide the required capacity. Subsequently the new western platform approach was prepared and refined<sup>38</sup>.
45. Surrounding land uses tightly constrain Oxford Station leaving limited land to the west of the station available for construction of a new platform. Consequently, any expansion of the station involves acquisition of land outside NR's ownership<sup>39</sup>.
46. The existing rail spans of Sheepwash Bridge could not accommodate the new line for reasons of track geometry, as this would result in a platform length which would be too short. Furthermore, the need to retain the road and pedestrian span to provide access for users of RDW and in the absence of realistic alternatives would require limited land-take from the south east corner of the Co-op nursery building to accommodate the wider bridge structure and retaining wall. Nevertheless, NR has sought to ensure that the track alignment requirements and clearances required have been optimised to facilitate the minimum possible land take<sup>40</sup>.
47. The proposed alterations to the nursery building show very limited conflict between the existing building and the new proposed retaining wall on RDW<sup>41</sup>. Subject to completion of the necessary works to this eastern side, the vast majority of the building would remain useable. NR have offered to improve the configuration of the existing building, which has been welcomed by the Co-op to enable the small loss on floorspace to be recovered in whole or part by the reconfiguration of space<sup>42</sup>.
48. The only alternative to acquiring any nursery land would be to move the existing rail lines east, to make more space for insertion of the line. The substantial work in moving all the existing rail lines and replacing the bridge spans, would also require realignment of a significant portion of Platform 4 but that would give rise to safety issues due to the new curvature of the platform<sup>43</sup>. 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

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<sup>36</sup> Document NR/CN-1 sections 2.3 and 3.5.10 and oral evidence.

<sup>37</sup> Document C-16.

<sup>38</sup> Document C-03.

<sup>39</sup> Document C-02

<sup>40</sup> Document NR/LW-1 paragraphs 3.2.2, 3.2.8 and 4.5.6.

<sup>41</sup> Document NR/JDL-1 Appendix 2 pages 233 and 238.

<sup>42</sup> Document NR/JDL-1 Appendix 2 pages 186-194 and Document NR/JDL-3 Appendix 2 page 30.

<sup>43</sup> Document NR/LW-1 paragraph 4.5.9.

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to involve some land take from the Co-op. The cost would be disproportionate and estimated to be in the region of £20m<sup>44</sup>.

49. NR has also sought to avoid compulsory acquisition by seeking to acquire the necessary land and rights by agreement with evidence provided of the extensive negotiations and engagement, with objectors<sup>45</sup>.

### **Likely impacts (Matter 3)**

50. The likely impact of the Order would be significantly positive for local businesses, residents and visitors. Through the Order powers the OSP2 Project would bring major economic, social and environmental benefits while disruption from the works to construct the OSP2 Project to those living and working locally would be acceptable in planning terms and clearly justified by the benefits of the OSP2 Project<sup>46</sup>.
51. Although the application for prior approval which was granted by Oxford City Council<sup>47</sup> limits the scope of matters for consideration by the Council, the officer report found the OSP2 Project to be acceptable in planning terms<sup>48</sup>. Those conclusions indicate that the impacts on local businesses, residents and visitors have been found by the City Council to be acceptable.
52. The environmental statement (ES)<sup>49</sup> supporting the application for prior approval concluded that there would be no significant construction effects from the OSP2 Project, given that the temporary adverse effects would be mitigated by design and the implementation of good practice in the Code of Construction Practice<sup>50</sup>. Three potential significant adverse operational effects were identified, related to the loss of trees, operational railway noise, and flooding<sup>51</sup>.
53. The ES assumed the loss of the four Lime trees on Cripsey Road. However, the updated design incorporating the new station entrance building would allow for the retention of existing trees where practicable while conditions relating to tree protection and retention imposed through the prior approval decision notice would provide the local planning authority with a degree of control<sup>52</sup>.
54. Incorporating an environmental barrier at the rear of the new track running parallel with RDW between Botley Road and Sheepwash Bridge would mitigate the operational noise effect. There would remain a significant adverse effect, but this would be in terms of the change in existing noise<sup>53</sup> such that the overall noise level is below the fixed Significant Observed Adverse Effect Level (SOAEL), which is the level above which significant

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<sup>44</sup> Mr Walton – oral evidence.

<sup>45</sup> Documents NR/JDL-1 and NR/JDL-3.

<sup>46</sup> Document ID-08 paragraph 35.

<sup>47</sup> Document NR-35.

<sup>48</sup> Document NR-26.

<sup>49</sup> Documents NR-16 to NR-19.

<sup>50</sup> Document NR-17(p) Chapter 16 at paragraph 16.4.

<sup>51</sup> Document NR-17(p) Chapter 16 at paragraph 16.4.3 – 16.4.6.

<sup>52</sup> Document NR-35 Conditions 25-31.

<sup>53</sup> Document NR17(j) paragraphs 10.6.34 – 35.



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- adverse effects on health and quality of life occur. The scheme thereby complies with national policy in the National Planning Policy Framework (NPPF) (paragraph 185) and the Noise Policy Statement for England (NPSE) (referenced in paragraph 185) to avoid the SOAEL. Further, the effects have been mitigated as far as practicable, which accords with the NPPF and NPSE. Conditions have been imposed through the prior approval decision notice to control noise, requiring a Construction Environmental Management Plan and a noise mitigation scheme to be submitted, approved, and implemented<sup>54</sup>.
55. The vicinity of the station is liable to flood in the future, both at Botley Road and the western entrance notwithstanding that without the delivery of the OSP2 Project it would still flood, 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, conditions have been imposed on the prior approval decision notice<sup>55</sup> to ensure measures are in place to alleviate the effects of flooding, through an emergency management plan and a new pumping system. The Environment Agency did not object to the OSP2 Project, and Oxford City Council concluded that it was satisfied about flooding issues and issued the decision notice with appropriate conditions.
56. The ES also concluded<sup>56</sup> 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 realm.

#### The Likely Impact on the Local Road Networks

57. Oxfordshire County Council as the local highway authority expressed support in principle for the OSP2 Project. It welcomed the proposed scope of improved rail and highways infrastructure recognising that they are integral to the County Council's Oxford Rail Station Master Plan<sup>57</sup>. All concerns raised by the County Council were addressed by NR and the County Council subsequently withdrew its objection<sup>58</sup>. A deed of agreement between NR and the County Council will provide the County Council with the assurances it sought, as set out in Mr Dawe-Lane's evidence<sup>59</sup>.
58. The officer report for the prior approval application recorded that the County Council raised no objection to the OSP2 Project, supporting the provision of additional rail capacity and the redevelopment of Oxford Station and was satisfied that the scheme would have a negligible impact on the local highway network<sup>60</sup>.

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<sup>54</sup> Document NR-35 Conditions 10 and 11.

<sup>55</sup> Document NR-35 Conditions 33 – 39.

<sup>56</sup> Document NR-17(j) paragraph 16.4.7.

<sup>57</sup> Letter to the DfT dated 23 July 2021.

<sup>58</sup> Document NR/JDL-3 Appendix 1.

<sup>59</sup> Document NR/JDL-1 paragraph 4.10.2.

<sup>60</sup> Document NR-26 paragraph 9.19.

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59. Conditions have been imposed through the prior approval decision notice to deal with highways and access issues: no.9 (pedestrian bridge); no.22 (construction traffic management plan); and no.23 (cycle parking)<sup>61</sup>.
  60. A transport assessment (TA) was produced for the prior approval application<sup>62</sup>. This concluded that there were no unacceptable transport or highways impacts, and that the OSP2 Project is not expected to increase traffic movements or adversely impact on the highway or local junction network once fully operational. It acknowledged that there would be a slight temporary impact during construction, notably to local bus services but found that it would be beneficial in terms of sustainable travel and neutral in terms of vehicular travel.
  61. Likely temporary road closures would include a minimum 4 days' road closure to undertake the Botley Road bridge deck replacement and a signalised single lane shuttle working system along Botley Road for six months during the highway works. Some temporary footpath closures would also be necessary<sup>63</sup>. A proposed Traffic Management and Road Closure Plan<sup>64</sup> was provided in the TA, to which the County Council has not objected.
  62. To provide access over Sheepwash Bridge and along RDW, a temporary bridge over the Sheepwash Channel is proposed to maintain access throughout the works period<sup>65</sup>. The temporary bridge would be put in place before the existing one is removed. Additionally, RDW would be closed to traffic overnight for five nights for plant access, with the likely closures between 11pm and 8am approximately<sup>66</sup>. Once a build contractor had been appointed consideration would be given to whether arrangements could be put in place to avoid full closures<sup>67</sup>.
  63. However, if that were not possible, then NR would rely on an alternative means of vehicular access (both for general and emergency traffic) from Walton Well Road with a bridge over Castle Mill Stream, at the northern extent of RDW<sup>68</sup>. Measures have been identified to increase the bridge's weight limit or replace it temporarily with a higher capacity bridge. The roadway leading to the bridge would also need to be remodelled. The Walton Well Road bridge over the railway may also need strengthening to facilitate enhanced temporary access<sup>69</sup> and although it is outside the Order Limits, it is owned by NR and is public highway, such that no extra rights are required to undertake the necessary works<sup>70</sup>.
  64. Whichever option is taken forward, access would be maintained, and through Article 13(8) the Order requires access to be maintained. If NR

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<sup>61</sup> Document NR-35.

<sup>62</sup> Document NR-19(z) Appendix 13.1.

<sup>63</sup> Document NR-17(j) paragraphs 5.5.1 and 6.3.8ff.

<sup>64</sup> Document NR-17(j) Appendix D.

<sup>65</sup> Document NR/LW-1 paragraphs 4.2.1 – 4.2.3.

<sup>66</sup> Document NR-19(z) paragraph 5.5.1.

<sup>67</sup> Mr Walton – oral evidence.

<sup>68</sup> Document NR/LW-1 Figure 1.9.

<sup>69</sup> Mr Walton – oral evidence.

<sup>70</sup> Mr Dawe-Lane – oral evidence.



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consider they need to temporarily close Sheepwash Bridge, alternative access arrangements would need to be put in place.

65. A limited number of pay and display and permit parking bays would be permanently lost on RDW and Cripsey Road<sup>71</sup>. Given that the general policies of the City and County Councils is to move from private car use 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<sup>72</sup>.
66. There were no objections to the prior approval application from "blue light" services. The TA explained how the traffic management arrangements could make appropriate provision for such services<sup>73</sup>.

#### The Likely Impact on Oxford University (OBJ-06 and OBJ-07)

67. Objections by The Chancellor, Masters and Scholars of the University of Oxford (Oxford University) and Oxford University Fixed Assets Limited (OUFAL) have now been withdrawn<sup>74</sup>. NR has agreed a compromise agreement with the University to address their concerns, with the agreement including a number of obligations on NR<sup>75</sup>. The Land Plans have also been amended to address a primary issue raised by the University, namely that they wished NR 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<sup>76</sup>.
68. The agreement includes a number of obligations on NR which can be summarised as follows<sup>77</sup>:
- 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 the 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; and

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<sup>71</sup> Document ID-06.

<sup>72</sup> Document NR-19(z) Appendix 13.1 paragraph 5.5.9.

<sup>73</sup> Document NR-19(z) Appendix 13.1 paragraph 6.3.11.

<sup>74</sup> Document ID-04.

<sup>75</sup> Document NR/JDL-1 paragraph 3.4.2.

<sup>76</sup> Document NR-38 Plots 6b and 6c.

<sup>77</sup> Document ID-08 paragraph 93.

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g. not to permanently extinguish any existing rights of the University over the lower end of RDW until the Cripsey Road junction has been constructed.

69. By withdrawing their objections, the University and OUFAL accept that their concerns have been addressed and that any impact is acceptable and has been appropriately mitigated by NR. All of the matters in the University's statement of case<sup>78</sup> are addressed by the terms of the agreement<sup>79</sup>.

The Likely Impact of any Removal of the Osney Lane to Mill Street Bridge During Construction

70. Construction works would not require removal of the Osney Lane to Mill Street bridge but would necessitate its temporary closure for approximately 4-8 weeks whilst the pier of the footbridge on the western side of the railway is reconstructed. The steps and the span of the footbridge would remain unchanged by the proposed works but for safety reasons the bridge would 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<sup>80</sup>.
71. NR has provided an assurance that the closure of the footbridge for the project works would only be temporary whilst those project works are undertaken<sup>81</sup>. NR does not consider it necessary to provide a written undertaking, given that there is no public right of way over the footbridge and the acceptability of the Order is not contingent on this matter.

The Likely Impact on the Co-op Children's Nursery (OBJ-22)

72. Kenmare Estates are the owners of Plots 10, 11 and 11a which is occupied by the Co-op Children's Nursery. The OSP2 Project would involve land take from the nursery building which cannot reasonably be avoided and while alternative designs have been considered these are not practicable or reasonable solutions. The need for compulsory acquisition is therefore made.
73. The Co-op suggested that raising the level of the highway would avoid any permanent acquisition of the nursery. However, in NR's view this would not be beneficial to either the Co-op or NR as it would increase the loading on the retaining wall and therefore the land take needed for the wall<sup>82</sup>.
74. NR recognised the need to minimise the impact on the Co-op, both as a general principle of the compulsory acquisition 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<sup>83</sup>.

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<sup>78</sup> Document E-02.

<sup>79</sup> Documents NR/JDL-1 paragraphs 4.6.14 – 4.6.17 and NR/LW-1 paragraph 4.4.4.

<sup>80</sup> Document NR/CF-3 section 4.

<sup>81</sup> Document NR/CF-3 paragraph 4.3.

<sup>82</sup> Mr Walton – oral evidence and Document NR/JDL-3 paragraph 4.8.9.

<sup>83</sup> Documents NR/JDL-1 Appendix pages 34–39 and 132–238 and NR/JDL-3 Appendix pages 21–32.

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75. In February 2021, NR was asked to explore permanent relocation, but a property search was unable to locate any suitable available properties<sup>84</sup>. Subsequently the Co-op confirmed<sup>85</sup> that temporary relocation was its preferred option. The Co-op provided draft heads of terms<sup>86</sup> to form the basis of an agreement with NR. These provided for suitable temporary premises for the relocation of the Co-op, for NR to modify the existing nursery building and return it to the Co-op on the completion of the OSP2 Project works, for NR to agree with the Co-op specifications for both the temporary premises and the modified existing building, and for the Co-op's costs and expenses to be paid<sup>87</sup>.
  76. In the absence of an agreement with the Co-op during the Inquiry, NR submitted a draft unilateral undertaking<sup>88</sup>, given by NR to Kenmare Estates Limited (the freeholder) and the Co-op (the occupier). This obliges NR 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. It would ensure that the Co-op's interests would not be affected any more than is necessary by the Order. The undertaking, which was completed on 15 December 2021, incorporates the substance of the Co-op's heads of terms, thereby addressing concerns identified by the Co-op<sup>89</sup>.
  77. Addressing other aspects of the Co-op's letter of objection NR confirmed that only a portion of the nursery land would be sought to be permanently acquired rather than the whole of the site (the undertaking ensuring that only Plots 11 and 11a would be permanently retained, with a right of access only across the remainder of the property (Plot 10) for the purpose of maintaining the new retaining wall).
  78. Temporary relocation of the nursery would be facilitated with the proposed relocation to the Beckett Street carpark being a similar distance from the station. This would enable the nursery to continue to serve commuting parents and was described by Co-op staff as an ideal location<sup>90</sup>.
  79. In terms of need, NR's position was that the need for the OSP2 Project had been comprehensively explained and the Covid-19 pandemic had not undermined this need case<sup>91</sup>.
  80. In respect of consultation and engagement, NR indicated that paragraph 7.9 of the consultation report<sup>92</sup> was accurate but, engagement had been full and meaningful, and information had been properly shared, as evidenced by the advanced stage of negotiations that NR and the Co-op had reached, which Mr Dawe-Lane confirmed NR would continue to progress<sup>93</sup>.

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<sup>84</sup> Document NR/JDL-1 Appendix page 224.

<sup>85</sup> Objection letter of 22 July 2021 paragraph vi.

<sup>86</sup> Document NR/JDL-1 Appendix page 232.

<sup>87</sup> Document NR/JDL-3 paragraph 3.5.2.

<sup>88</sup> Document ID-05.

<sup>89</sup> Document NR/JDL-1 Appendix 2 page 232.

<sup>90</sup> Document NR/JDL-2 Appendix page 186.

<sup>91</sup> Documents NR/CN-1, Mr Nash – oral evidence and ID-07 paragraph 1.4.

<sup>92</sup> Document NR-07.

<sup>93</sup> Mr Dawe-Lane – oral evidence.

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## **The Effects of the Scheme on Statutory Undertakers, Statutory Utilities and Utility Providers (Matter 4)**

81. Protective provisions are included in Schedule 5 of the Order for: electricity, gas, water and sewerage undertakers (Part 1); the operators of electronic communications code networks (Part 2); Southern Gas Networks Plc (OBJ-01) (Part 3); and Thames Water (REP-01/ OBJ-21) (Part 4). The two statutory undertakers, Southern Gas Networks and Thames Water, withdrew their objections on the inclusion of these protective provisions and on NR entering into separate agreements with them<sup>94</sup>.

## **Compulsory Purchase Powers (Matter 5)**

### Whether there is a compelling case in the public interest

82. NR's case is that the evidence overwhelmingly demonstrates a compelling case in the public interest for making the Order to enable the compulsory acquisition of land and rights. There is a pressing need for the OSP2 Project which the compulsory acquisition would facilitate, along with economic, social and environmental benefits<sup>95</sup>. The compelling case for the OSP2 Project is also made on the basis that the need is immediate to meet the December 2024 timescale for the enhanced TSS including EWR<sup>96</sup>. In accordance with paragraph 13 of the Guidance on Compulsory Purchase Process and The Crichel Down Rules, MHCLG, July 2019<sup>97</sup> (the CPO Guidance), NR has a clear idea of how it intends to use the land it is proposing to acquire.

### Human rights considerations

83. Based on the compelling case set out, NR considers 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 Human Rights Act 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 NR considers 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 OSP2 Project 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<sup>98</sup>.

### Whether there are likely to be any impediments to the exercise of powers

84. Although prior approval for the OSP2 Project was granted by Oxford City Council<sup>99</sup> NR anticipates that two further minor approvals may be required,

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<sup>94</sup> Document NR/JDL-1 Appendix 1.

<sup>95</sup> Document NR/CN-1.

<sup>96</sup> Document NR-26 Table 2.2 (page 26).

<sup>97</sup> Document D-02.

<sup>98</sup> Document ID-08.

<sup>99</sup> Document NR-35.

- neither of which would constitute a likely impediment to the scheme. Firstly, planning permission is likely to be required to reconstruct the eastern wall of the Co-op nursery building approximately a metre from where it currently is, to accommodate the realignment of the retaining wall<sup>100</sup>. This is considered to be a straightforward proposal given that the existing building is not listed, does not have any particular design merit, and there would be no impact on any nearby properties<sup>101</sup>. In NR's view it is appropriate that this application is made at a future date when the detail of the application has been agreed between NR and the Co-op.
85. Secondly, a prior approval application is likely to be required for a crash barrier at the base of the reconstructed west pier of the Osney Lane footbridge<sup>102</sup>. The new crash barrier would be a modest and unobtrusive structure which would appear in the context of the existing footbridge, pier and rail infrastructure, and would not raise any sensitive planning issues. As a result, NR does not consider this to be a likely impediment and maintains that the prior approval application should be made when the detailed design has been undertaken<sup>103</sup>.
86. The List of Consents, Permissions or Licences under Other Enactments<sup>104</sup>, identifies other approvals required for the purposes of the powers sought in the application which were being sought at the date of submission of the application or have been obtained or refused. In addition to prior approval, which had now been granted for the OSP2 Project it identifies a section 80 demolition notice and temporary traffic regulation orders. NR's proofs of evidence have noted that, certain other formal regulatory requirements may be necessary, comprising an environmental permit for the Sheepwash Bridge works and Station Change. There is no suggestion that either would not be forthcoming<sup>105</sup>.
87. Funding arrangements are in place for the OSP2 Project, in accordance with paragraph 14 of the CPO Guidance. The Funding Statement<sup>106</sup> explains that the estimated final cost of delivering the scheme is £161.4m<sup>107</sup>, of which £72.7m has already been received. The OSP2 Project is included within the Rail Networks Enhancement Pipeline (RNEP) 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. 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 BCR<sup>108</sup>. The DfT's letter of 12 May

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<sup>100</sup> Document NR/JDL-1 Appendix 2 page 238.

<sup>101</sup> Document NR/CF-1 and oral evidence.

<sup>102</sup> Document NR/CF-3 paragraphs 4.5-4.9.

<sup>103</sup> Mr Field – oral evidence.

<sup>104</sup> Document NR-10.

<sup>105</sup> Documents NR/CF-1 paragraph 5.8.14. NR-31 page 3 and NR/CN-1 paragraph 9.2.8.

<sup>106</sup> Document NR-05.

<sup>107</sup> Document NR-06.

<sup>108</sup> Mr Nash – oral evidence.

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2021<sup>109</sup> provides assurance that funding will be available subject to the required consents being obtained and it continuing to be value for money. 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”.

Whether all the land and rights over land are necessary to implement the scheme

88. NR has justified the inclusion within the Order of all the land and rights over land sought<sup>110</sup> with justification provided 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. No objector has provided evidence to indicate that any of the land take or rights sought are excessive or unnecessary.

**Compliance with all Statutory Procedural Requirements (Matter 6)**

89. NR has confirmed <sup>111</sup> that it has complied with the Public Sector Equality Duty set out in s149(1) of the Equality Act 2010 and in preparing the Order has engaged with affected parties. Moreover, NR has prepared a Diversity Impact Assessment<sup>112</sup> to inform the design, development and construction planning for the OSP2 Project. At the Inquiry NR also confirmed in writing that the application has been made in accordance and in compliance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>113</sup>. It stated that the procedural requirements, including notice and publicity requirements, have been complied with and no party has suggested otherwise.

**Other Matters (Matter 7)**

Public Rights of Way

90. Section 5(6) of the TWA 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 confirmed its support for formalising the closure of this redundant level crossing<sup>114</sup>.

Modifications to the draft Order

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<sup>109</sup> Document NR-05 Annex 1.

<sup>110</sup> Document NR/JDL-1 Appendix 4 page 300.

<sup>111</sup> Document E-01.

<sup>112</sup> Document C-01.

<sup>113</sup> Document ID-08.

<sup>114</sup> Document NR/JDL-1 paragraph 4.10.4.



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91. The draft Order as originally submitted<sup>115</sup> was amended prior to the Inquiry<sup>116</sup> together with an updated Book of Reference<sup>117</sup> and updated Land Plans<sup>118</sup>. A number of amendments are minor drafting improvements and updates with the substantive changes summarised and explained in Mr Dawe-Lane's Supplemental Proof of Evidence<sup>119</sup>.
  92. The revised Order amended the definition of "prior approval" in Article 1 (Interpretation) to record that Oxford City Council had issued prior approval<sup>120</sup>.
  93. Article 9 (Temporary possession of land) was amended with the addition of paragraph 9(1)(d) to allow NR to construct or undertake any works specified in relation to land in column 2 of Schedule 2, or any works of mitigation. An amendment to Schedule 2 provided for the possibility that Plot 2 may require the strengthening of the Castle Mill Stream bridge or a temporary bridge provision to be put in place. It was acknowledged that the existing Castle Mill Stream bridge may need removing and reinstatement to facilitate this. NR considered these works were within the scope of Article 9(1) in any event, but clearer scope was provided for this Plot within Schedule 2.
  94. Article 13 (Extinction or suspension of private rights of way) included a new sub-section 13(8) which provides for the following:
    - (a) Preserves third party rights to pass and repass over that part of RDW comprised in Plots 6b and 6c; and
    - (b) Allows temporary possession of Plots 6b and 6c subject to an alternative route first being made available.
  95. The amendment was proposed to address paragraph 3(a) of the SoM and provide a commitment from NR that third party rights to pass and repass over Plots 6b and 6c would be preserved notwithstanding that the land may be compulsorily acquired. The new paragraphs also provide a safeguard that temporary possession powers can only be used once an alternative means of access is available for use.
  96. Article 13(9) would provide a safeguard that rights to pass and repass over Plot 17b cannot be extinguished until the new junction to be constructed between Cripsey Road and RDW has been constructed and is open for use to the public. This would also address paragraph 3(a) of the SoM and provide a commitment from NR that the new junction access must be in place and available for use until any third-party rights to use RDW are extinguished in relation to Plot 17b. Both proposed amendments to Article 13 would not alter or impact any additional interests but serve to qualify the way in which NR could exercise powers under the Article.

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<sup>115</sup> Document NR-02.

<sup>116</sup> Documents NR-36(a) and NR-36(b).

<sup>117</sup> Document NR-37.

<sup>118</sup> Document NR-38.

<sup>119</sup> Document NR/JDL-3 Appendix 3.

<sup>120</sup> Document NR-35.

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97. An amendment was proposed to Schedule 2 which would provide for the removal of Plot 39. This follows further title investigations which confirmed there are no third-party interests in the footbridge with the freehold owned by NR in its entirety.
  98. Schedule 5 was amended with the introduction of a new Part 3 which comprises protective provisions in favour of, and agreed with, Southern Gas Networks. A new Part 4 has been included in the draft Order comprising protective provisions in favour of and agreed with Thames Water. Separate deeds have been agreed with Southern Gas Networks and Thames Water and NR is obliged to put forward the agreed protective provisions for inclusion in the Order as part of these deeds.

#### Amendments to Plans

99. The nature of and the reasons for the amendments to Land Plans were described in Mr Dawe-Lane's Supplemental Proof of Evidence<sup>121</sup>. NR has agreed with Oxford University that it will permanently acquire the existing Sheepwash Bridge and land required to construct the new bridge. Consequently, Plot 6a has been split into Plot 6b and 6c and identified for permanent acquisition. Third-party rights remain uninterrupted as these are specifically excluded pursuant to the proposed amendments to Article 13. The position in relation to permanent third-party rights of access over RDW remains unchanged from when the application for the Order was originally made.
100. Plot 10 has been split into 3 separate plots comprising Plot 10, Plot 11 and Plot 11a but does not create any new interests to be acquired. The reasoning is to allow permanent acquisition to be taken for the component parts of the works in order to address the comments made by the Co-op, the occupiers of the original Plot 10.
101. Plot 13 has been split with the creation of a new Plot 13a to provide a clearer delineation between acquisition of land and acquisition of air right as per Plot 13a.
102. Plot 39 has been removed from the Land Plans to reflect the further title investigations.

#### Remaining Objections

##### *David Bradbury (OBJ-03)*

103. Mr David Bradbury's position<sup>122</sup> is that compulsory acquisition is excessive and premature, on the basis that the access via Walton Well Road may not be necessary, and therefore rights sought along RDW may not be required.
104. NR contends that it is neither necessary nor reasonable, as Mr Bradbury suggests, that the decision as to which access route is to be used should be reached before the Order is made. The need for the OSP2 Project is pressing in light of the proposed introduction of the new TSS in December 2024. The

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<sup>121</sup> Document NR/JDL-3 Appendix 3.

<sup>122</sup> Document OBJ-03.



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decision about the fallback access via Walton Well Road needs the input of the build contractor, who is yet to be appointed and there is no reason why the land assembly process should await that appointment. In the interests of securing funding and progressing the OSP2 Project land assembly should take place as soon as possible.

105. There is no prejudice to Mr Bradbury by including rights to enable temporary access from via Walton Well Road within the Order. If access can be continuously maintained over Sheepwash Bridge, 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 would be maintained.
106. NR has 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<sup>123</sup>.

*Rail Gourmet UK Ltd (OBJ-04b)*

107. Rail Gourmet UK Ltd is the leaseholder of a unit which it occupies, and which is within the Traincrew Building, located next to Platform 1. Rail Gourmet does not occupy any other site within the station and does not have any interest within the Order Limits. It is not subject to compulsory acquisition or interference with its interests<sup>124</sup>.
108. Rail Gourmet is 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<sup>125</sup> or section 11(4) of the TWA<sup>126 127</sup>.
109. Consequently, NR asked Rail Gourmet for the objection to be withdrawn<sup>128</sup>. Rail Gourmet responded that it would only do so if assurances were given about rent arrears<sup>129</sup> which NR considers to be unreasonable and irrelevant to the issues<sup>130</sup>.
110. Rail Gourmet's grounds of objection<sup>131</sup> all relate to alleged compulsory acquisition. Given that Rail Gourmet is not subject to any compulsory acquisition, NR considers those grounds are without substance.

*Select Service Partner Ltd (OBJ-04a)*

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<sup>123</sup> Document NR/JDL-1 Appendix 1 pages 30 and 48-65.

<sup>124</sup> Documents NR/JDL-1 paragraphs 4.3.1-4.3.2 and Appendix 2 page 74 and NR/JDL-3 Appendix 4.

<sup>125</sup> Document B-03.

<sup>126</sup> Document B-01.

<sup>127</sup> 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 paragraph 4.15 of A Guide to TWA Procedures.

<sup>128</sup> Document NR/JDL-3 paragraph 3.2.1 and Appendix page 20.

<sup>129</sup> Document ID-03.

<sup>130</sup> Mr Dawe-Lane – oral evidence.

<sup>131</sup> Document OBJ-04b

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111. Select Service Partner Ltd (SSP) holds 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<sup>132</sup> all relate to alleged compulsory acquisition. Given that SSP in respect of the units in the main station building are not subject to any compulsory acquisition, NR considers the grounds as they relate to those units are without substance.
112. NR has been engaging with SSP in respect of Pumpkin café, since April 2021<sup>133</sup>. A without prejudice financial offer was made to acquire possession on 31 July 2021 with evidence<sup>134</sup> provided of attempts to reach agreement, in accordance with the CPO Guidance.
113. Having considered whether it is possible to relocate Pumpkin café, NR concluded that it would not be feasible<sup>135</sup>. The existing café and other operational units on the platform would need to be demolished to allow construction of the new units, new platform canopy, Platform 5 face and new track. There would be insufficient usable width (while allowing safe passenger usage) on Platforms 1–3 to site the café and relocation of the Pumpkin café elsewhere on Platform 4 during construction, while addressing rail safety standards and operational requirements, would severely reduce the available capacity. NR's technical evidence on this subject has not been contradicted while SSP has provided no evidence, technical or otherwise on the matter<sup>136</sup>.
114. NR also noted that SSP occupies its unit under a lease which can be terminated on grounds that the site is needed for redevelopment<sup>137</sup>. GWR, not NR, is 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 occupies the unit 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 has always been prepared to countenance<sup>138</sup>.
115. NR considers SSP's grounds of objection are without merit. There is a compelling case in the public interest, and NR has engaged conscientiously and sought to progress negotiations, while exploring relocation. NR considers that the interference would be lawful and proportionate and there is no breach of Article 1 of the First Protocol of the Human Rights Act.

### **Conclusion**

116. NR states that the policy in A Guide to TWA Procedures (DfT, June 2006) and the CPO Guidance is strongly supportive of making the Order. There is a

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<sup>132</sup> Document OBJ-04a.

<sup>133</sup> Documents NR/JDL-1 Appendix 1 pages 31-33 and NR/JDL-3 Appendix 2 page 18.

<sup>134</sup> Documents NR/JDL-1 Appendix 1 pages 74-95 and NR/JDL-3 pages 19-20.

<sup>135</sup> Document NR/JDL-1 paragraph 4.3.1 and oral evidence.

<sup>136</sup> Document NR/JDL-3 Appendix 2 pages 19- 20.

<sup>137</sup> Document NR/JDL-1 paragraph 4.4.8.

<sup>138</sup> Document ID-08.

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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.

## **THE CASES FOR THE SUPPORTERS**

### **Oxford City Council (SUPP-01)**

117. Oxford City Council is strongly supportive of the OSP2 Project acknowledging the significant economic benefits from the delivery of EWR. The Council noted that EWR would improve connectivity across the East of England Heartlands and Arc, consistent with the Oxfordshire Rail Corridor Study and would unlock the delivery of housing and employment sites across Oxfordshire.

### **Mr Nigel Rose (SUPP-02)**

118. As a regular user of Oxford Station Mr Rose expressed strong support for the proposals as part of EWR, noting in particular the benefits of the new Platform 5 and the improvements to the Botley Road bridge for cyclists, pedestrians and buses.

### **Railfuture – Thames Valley Branch (SUPP-03)**

119. Railfuture – Thames Valley Branch expressed strong support for the proposals in improving rail services for passengers and freight in the Oxford corridor and noted that the OSP2 Project would enhance the station and provide additional capacity for both trains and passengers.

### **Dr Rosemary Preston (SUPP-04)**

120. Dr Preston commented that overall, the plan for the station, the provision of new tracks and unparalleled improvement to the Botley Road underpass should be applauded. In respect of the Osney Lane footbridge confirmation that the works would not entail the removal of the footbridge was welcomed with the hope that the temporary closure would be as short as possible.

## **THE CASES FOR THE OBJECTORS**

121. None of the remaining objectors appeared at the Inquiry and therefore their cases reflect their written objections.

### **Mr David Bradbury (OBJ-03)**

122. Mr Bradbury is the leaseholder of a property in Venneit Close. His objection<sup>139</sup> is on the grounds that the permanent or temporary possession of RDW was excessive and premature. He also questioned whether the proposed access from Cripsey Road would be available before the existing southern access of RDW with Botley Road was closed.

### **Rail Gourmet UK Limited (Rail Gourmet) (OBJ-04b)**

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<sup>139</sup> Document OBJ-03.

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123. Rail Gourmet's objection<sup>140</sup> states that there is no compelling case for the use of compulsory acquisition powers in the public interest. NR has failed to engage adequately with, or have regard to, its interests and failed to acknowledge the contribution which the objector's businesses make, or to provide for the relocation of the businesses. Moreover, it is argued that NR has not attempted to progress negotiations for the acquisition of the objector's interest or provide appropriate compensation and has failed to show that the use of compulsory acquisition powers is justified. Consequently, Article 1 of the First Protocol of the Human Rights Act 1998 would be engaged through interference with the objector's statutory rights which would not be necessary or proportionate.

**Select Service Partner Limited (SSP) (OBJ-04a)**

124. SSP's objection<sup>141</sup> is based on its holding of leases relating to Delice De France, M&S Simply Food, Pumpkin and Upper Crust at Oxford Station. The objection states that there is no compelling case for the use of compulsory acquisition powers in the public interest. NR has failed to engage adequately with, or have regard to, its interests and failed to acknowledge the contribution which the objector's businesses make, or to provide for the relocation of the businesses. Moreover, it is argued that NR has not attempted to progress negotiations for the acquisition of the objector's interest or provide appropriate compensation and has failed to show that the use of compulsory acquisition powers is justified. Consequently, Article 1 of the First Protocol of the Human Rights Act 1998 would be engaged through interference with the objector's statutory rights which would not be necessary or proportionate.

**The Midcounties Co-operative (OBJ-22)**

125. The Midcounties Co-operative occupies and operates the Co-op Children's Nursery on RDW. The objection<sup>142</sup> was made on the grounds that the proposals provided for the permanent acquisition of all the nursery property and that no supporting evidence was provided to justify the permanent acquisition or an alternative option. The objection covered the impact of the permanent acquisition on the operation of the nursery and raised concerns about the consultation and engagement undertaken by NR. It also questioned the need for improvements to the station suggesting that there was no evidence to support the further growth in passenger numbers in the light of the Covid-19 pandemic.

**OTHER REPRESENTATIONS**

**Thames Water (REP-01)**

126. Originally categorised as OBJ-02, Thames Water reached an agreement with NR to address their concerns through an agreed form of protective provisions and as a result on 24 November 2021 withdrew their representations.

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<sup>140</sup> Document OBJ-04b.

<sup>141</sup> Document OBJ-04a.

<sup>142</sup> Document OBJ-22.

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**Chris Gercke (REP-02)**

127. Mr Gercke raised concerns about the temporary suspension of access via a right of way to the rear of properties in Mill Street past the Westgate Hotel. Moreover, concern was further expressed about the possibility of the permanent closure/ extinguishment of the access. NR has agreed to keep Mr Gercke updated regarding the works affecting the access to his property<sup>143</sup>.

**Stephen Meili and Leigh Payne (REP-03)**

128. This representation urged that RDW should remain open throughout the construction process to provide vehicular access for residents, emergency vehicles and delivery/ service vehicles. The representation also expressed support for a new western entrance to the station.

**Pauline Massey (REP-04)**

129. Having originally submitted an objection (OBJ-13) about the permanent closure of the Osney Lane footbridge, Ms Massey withdrew her objection having been informed that the closure would only be temporary. Nevertheless, it was stated that the closure should be as brief as possible.

**Dr Helena Cantone**

130. Dr Cantone originally submitted an objection (OBJ-11) expressing concern about the permanent closure of the Osney Lane footbridge. Based on reassurances from NR that the closure would only be temporary Dr Cantone withdrew her objection while maintaining concerns around the timescales of the planned works, accessibility and future proofing of the footbridge, and air pollution caused by traffic.

**INSPECTOR'S CONCLUSIONS<sup>144</sup>**

131. I have considered the matters arising from the proposed TWA Order. I have based these conclusions around those matters on which the SoST particularly wishes to be informed and I have then set out my overall conclusions.

**The aims and objectives of and need for the scheme (Matter 1)**

132. The only objection to question the need for the scheme was that of the Co-op (OBJ-22) which indicated that in light of the changes in working patterns and high street shopping as a result of the ongoing Covid-19 pandemic the need had not been demonstrated. Consequently, it was argued that the current station arrangements should remain. **[125]**
133. The reduction in the use of the station during the pandemic was a matter which Mr Nash adequately addressed in his written and oral evidence. While acknowledging that the long-term impact of the pandemic on travel patterns is not understood there remains a requirement for additional platform capacity at Oxford Station to support the introduction of new rail services

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<sup>143</sup> Document NR/JDL-3 Appendix 1.

<sup>144</sup> In these conclusions numbers in square brackets [ ] refer to previous paragraphs in this report.

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- including EWR and evidence indicates that there has been little impact on rail freight movements through the station during the pandemic. **[79]**
134. The aims and objectives for the OSP2 Project have established its overriding purpose and except for the position above, the need has not been contested. Through enhanced infrastructure the OSP2 Project would provide benefits for freight and passenger services in a strategically important rail corridor including the introduction of EWR. The removal of various constraints at Oxford Station would help to deliver additional performance and capacity and enhanced connectivity across the region including facilitating growth in freight services. Conditions for passengers using the station would be enhanced and accessibility and road safety particularly for cyclists and pedestrians would be improved along with extensive public realm improvements. Looking to the future, the proposed changes would support electrification through the station and enable the future redevelopment of the east side of the station. **[25, 31 and 39-41]**
135. Improvements to the station and rail capacity would also provide a catalyst for development opportunities in the vicinity of the station, growth within the city centre and housing and employment growth within the county of Oxfordshire and the wider region including the Oxford-Cambridge Arc. By encouraging a move away from the private car and through increased rail freight capacity the OSP2 Project would contribute to decarbonisation. Moreover, the Phase 2 corridor scheme is anticipated to demonstrate “High” value for money under DfT criteria for funding. Realising the objectives would achieve significant economic, social and environmental benefits. **[32-38 and 41-43]**

### **The main alternatives to compulsory acquisition (Matter 2)**

136. NR has undertaken robust project development and optioneering over many years in order to reduce land take from third-parties, while meeting the objectives of the OSP2 Project. **[44]**
137. Tightly constrained land uses surrounding the station provide very few opportunities for the construction of a new platform. Consequently, expansion of the station requires the acquisition of land outside of NR’s ownership. NR has concluded that there is no realistic alternative to the limited acquisition of part of the Co-op nursery. To avoid any acquisition of the nursery building NR considered the alternative of moving the lines to the east but concluded that would be both technically challenging and costly and for those reasons such an option has been ruled out. I am content that the main alternatives to compulsory acquisition have been adequately considered and that NR has engaged with both SSP and the Co-op to address their concerns and limit the need for compulsory acquisition. **[45-49]**

### **Likely impacts (Matter 3)**

138. The limited disruption to local businesses, residents and visitors during construction would be managed as effectively as possible through conditions attached to the prior approval and controls through a Code of Construction Practice and Construction Traffic Management Plan. Notwithstanding these



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- construction impacts, the OSP2 Project would have a largely positive effect on the local area. **[50-52 and 61]**
139. The update to the design since the ES was prepared aims to limit the impact on Lime trees on Cripsey Road which was previously identified as a potential significant operational effect. The revised design allows for the retention of existing trees where practicable, and conditions imposed through the prior approval decision address tree protection and retention. **[53]**
140. While a significant adverse effect would occur in terms of operational noise, the provision of a noise barrier would mitigate the impact which would be in accordance with NPPF and NSPE policy requirements. Moreover, conditions through the prior approval decision would appropriately control construction noise. **[54]**
141. Prior approval conditions would also address the local planning authority's concerns about the effects of fluvial flooding on the OSP2 Project, ensuring that appropriate measures would be in place to alleviate the effects of flooding. **[55]**
142. Beneficial impacts arising from the OSP2 Project would comprise improvements to the local townscape including views from Botley Road towards the western entrance and improvements to the public transport network and for cyclists and pedestrians because of changes to the Botley Road bridge. **[56]**

#### The Likely Impact on the Local Road Networks

143. A deed of agreement between NR and Oxfordshire County Council provides the County Council, as the local highway authority, with the assurances it requires. In its response to the prior approval application the County Council acknowledged that the OPS2 Project would have a negligible impact on the local highway network. Moreover, access including for emergency "blue light" vehicles would be maintained as set out in the TA and no objections to the Project were received from such services. **[57-60, 65-66 and 127]**
144. In terms of the re-routing of RDW including the concerns raised by Mr David Bradbury appropriate provisions are proposed to ensure that the proposed access from Cripsey Road would be available before the existing southern access of RDW with Botley Road is closed such that appropriate local access can be continuously maintained. **[68 and 96]**
145. During construction, while temporary road closures are likely to be required, provision has been made for access to be continuously maintained along RDW and to Venneit Close although final details will be addressed later. Having had regard to the objection of Mr Bradbury about access, and the representation of Stephen Meili and Leigh Payne I consider that NR's proposals are reasonable and appropriate for this stage of the project. **[61-64, 93, 95, 103-105 and 128]**

#### The Likely Impact on Oxford University

146. During the Inquiry objections on behalf of Oxford University and OUFAL were withdrawn. The compromise agreement includes various obligations on

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NR and mitigates the impacts of the OSP2 Project on the University's interests. In addition to the agreement, NR has amended the Land Plans such that NR would permanently acquire the land required to implement the Sheepwash Bridge realignment and replacement, thereby avoiding the University's permanent liability in respect of the replacement bridge, while granting rights to the University over the new bridge. **[67-69, 95, 99 and 101]**

The Likely Impact of any Removal of the Osney Lane to Mill Street Bridge During Construction

147. During the Inquiry NR provided an update on their position about the likely time required for the temporary closure of the Osney Lane to Mill Street bridge during construction. Details of the design remain to be finalised and prior approval would need to be obtained from Oxford City Council. Nevertheless, based on the information currently available at this stage of the OSP2 Project NR has in my view done all it can to demonstrate that the temporary closure of the footbridge would be for as short a time as possible. **[70]**

148. Addressing a number of initial objections to the proposed Order, NR also confirmed that the closure of the footbridge would be temporary and not permanent. The removal from the Book of Reference of Plot 39 which incorporated the footbridge reflects NR's further investigations into land ownership which revealed no other interest in the Plot. It does not affect NR's intentions regarding the footbridge. **[71, 93, 97, 102 and 129-130]**

The Likely Impact on the Co-op Children's Nursery.

149. The OSP2 Project would require the permanent acquisition of a small part of the Co-op nursery building. NR has investigated whether this could be avoided completely and whether the amount of land to be acquired could be reduced. The evidence presented to the Inquiry is convincing in that there are no realistic alternatives to this acquisition or the scale of it required to implement the OSP2 Project. **[46, 48-49, 72-74 and 77]**

150. Although the acquisition of part of the nursery's interests would be required, NR has demonstrated that by reconfiguring the existing nursery space it is likely that the amount of useable space of the nursery could be maintained. The alternative of raising the road level would not appear to negate the need to acquire part of the Co-op property as it would necessitate more extensive retaining wall supports. **[47, 73 and 100]**

151. While works are being undertaken to Sheepwash Bridge and RDW it will be necessary for the nursery to vacate their premises. An alternative location has been proposed which would be a similar distance from the station as the existing nursery and would enable the nursery to maintain operations while works are undertaken to, and in the vicinity of the existing nursery premises. None of the correspondence between the nursery, its agents and NR which I have been presented with indicated that this alternative temporary location was unacceptable. **[75]**

152. Agents acting for the nursery considered the option of a permanent relocation of the nursery, but written evidence presented during the Inquiry



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indicated that no suitable alternatives are available and therefore it will be necessary to return the nursery to its original premises once the OSP2 Project has been completed. **[75]**

153. While agreement has not been reached with the nursery about the likely impacts, NR provided a signed undertaking after the close of the Inquiry to Kenmare Estates and the Co-op to facilitate the temporary relocation of the nursery and its return to its existing premises. Moreover, the undertaking incorporates the substance of the heads of terms provided by the Co-op thereby aiming to address the concerns identified by the Co-op. The measures which NR is proposing would minimise as far as possible any adverse impact on the operation of the nursery. **[76, 78 and 80]**

#### **The Effects of the Scheme on Statutory Undertakers, Statutory Utilities and Utility Providers (Matter 4)**

154. Protective provisions in Schedule 5 of the Order would address the requirements of statutory undertakers and operators of electronic communications code networks. Agreements made with Southern Gas Networks and Thames Water resulted in the addition of protective provisions for those statutory undertakers and the withdrawal of their objections. On this basis, and the fact that no other statutory undertaker, statutory body or utility provider objected to the Order I find that there would be no adverse impact on the interests of such bodies. **[81, 98 and 126]**

#### **Compulsory Purchase Powers (Matter 5)**

##### Whether there is a compelling case in the public interest

155. In facilitating the delivery of enhanced rail services including EWR allied to the broad economic, social and environmental benefits which the project would bring about, the need for the OSP2 Project is pressing and immediate. On this basis and in the absence of clear evidence to the contrary I find that there is a compelling case in the public interest for the compulsory acquisition of land and rights. Moreover, NR has provided clear justification of the need for the land to be acquired. **[82]**

##### Human rights considerations

156. Based on the compelling case for compulsory acquisition interference with the rights of those with an interest in the land affected is justified. The interference with Article 1 of the First Protocol of the Human Rights Act is engaged and having taken account of the public and private interests involved the case for compulsory acquisition has been made. The need for the OSP2 Project is clear and the benefits are considerable. The interference with the Article 1 rights is proportionate, lawful, limited in extent and mitigated as far as possible. Where acquisition is necessary compensation will be payable in accordance with the compensation code. **[83]**

##### Whether there are likely to be any impediments to the exercise of powers

157. One further prior approval and one further planning permission are likely to be required to exercise the powers contained in the Order. Both are minor and appear to be uncontroversial with the likelihood they each would be

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approved. Similarly, other approvals or regulatory requirements which remain to be secured are not unusual for a project of this type and scale and would not be expected to have been secured prior to this stage of the project. There is no indication that any of these outstanding requirements would not be achievable. **[84-86]**

158. NR has provided evidence that the funding arrangements are in place for the OSP2 Project subject to the required consents being in place and the project continuing to demonstrate value for money. **[87]**

Whether all the land and rights over land are necessary to implement the scheme

159. Justification is provided for the inclusion of each individual plot required to implement the OSP2 Project including the purpose for which each plot is required. No evidence has been provided that any land take or rights sought is excessive or unnecessary. **[88]**

**Compliance with all Statutory Procedural Requirements (Matter 6)**

160. NR has confirmed that the application has been made in accordance with, and in compliance with, all statutory procedural requirements including the Public Sector Equality Duty. No party has suggested otherwise. **[89]**

**Other Matters (Matter 7)**

Public Rights of Way

161. Article 15 of the Order provides for the stopping up of the former Oxford Station Emergency level crossing and extinguishes all rights of way over that level crossing. As the level crossing is disused and an alternative right of way is not required, and on the basis that Oxfordshire County Council confirmed its support for the closure of the crossing with no opposition to it I find the closure to be acceptable. **[90]**

Remaining Objections

162. I have carefully considered the objections to the Order. In this respect I have dealt with most of the issues raised in addressing those matters specified in the SoM. Regarding Mr David Bradbury's objection, I find that the issue of temporary closures of RDW and the need to maintain access to properties in RDW and Venneit Close has been appropriately addressed given the stage that the OSP2 Project has reached. Measures are neither excessive nor premature and provide an appropriate degree of flexibility at this point. Article 13(9) (and the agreement with Oxford University) would ensure that the rights over the southern end of RDW would not be extinguished until the new Cripsey Road junction has been completed. **[61-64, 103-106 and 122]**
163. Rail Gourmet's objection does not demonstrate that its interest at Oxford Station is subject to compulsory acquisition and NR has stated that Rail Gourmet's interests are not within the Order Limits. In the absence of any contrary evidence about ownership or that there would be interference with the interests of Rail Gourmet I find those grounds to be without substance. Moreover, Rail Gourmet's attempt to tie its objection to assurances about

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- rent arrears has not been explained and consequently I agree with NR that it is unreasonable and irrelevant to the issues at hand. **[107-110 and 123]**
164. SSP's leases in respect of Delice De France, M&S Simply Food and Upper Crust all relate to units within the main station building and outside of the Order Limits. None of these units would therefore be subject to compulsory acquisition or interference with their interests. Accordingly, in respect of those units I find the objection to be without substance. **[111 and 124]**
165. I have considered the evidence of NR about the challenges of relocating Pumpkin café during construction due to safety and operational reasons and I have not been presented with contradictory evidence by SSP. I am therefore persuaded that NR would not be able to safely accommodate a relocated café on Platform 4 during constructions nor would there be adequate space to relocate the unit on Platforms 1-3. NR has engaged with SSP and made a financial offer in an attempt to acquire the land by agreement. In the absence of an agreement, I find that there is a compelling case in the public interest to acquire the land and that interference with the objector's human rights would be justified. **[111-115]**
166. I have addressed the likely impact on the Co-op Children's Nursery and commented on other matters within their objection earlier in these conclusions. Drawing these matters together I find that a compelling case in the public interest has been demonstrated to acquire the land required by NR. NR has undertaken extensive engagement to reach agreement with the Co-op. In the absence of an agreement the undertaking given by NR would address the Co-op's concerns, involving both temporary relocation and the long term changes to the nursery building, and would ensure that the Co-op's interests are not affected any more than is necessary. **[125]**

#### Modification to the draft Order

167. NR's proposed modifications to the draft Order would be needed to secure the undertakings it has provided unilaterally or through agreements. I am satisfied that they are necessary to achieve this aim, supported by the parties affected by the proposed changes and would not adversely affect any other parties. **[91-102]**

#### **Overall conclusions**

168. I have addressed the relevant matters raised in the above reasoning and find that none of them are sufficient to prevent the Order from being made.
169. In the light of the above, I conclude that the Order is justified on its merits and that there is a compelling case in the public interest for making it, with clear evidence that the substantial public benefit from the public transport improvements and economic development would outweigh the harm due to private losses. It would accord with relevant, national, regional and local policies. Strong support for the OSP2 Project has been expressed by Oxford City Council and others, while outstanding issues raised in representations are appropriately subject to ongoing dialogue with NR. Funding is available for the project and there are no significant impediments to its implementation. Consequently, there is a reasonable prospect of it going ahead without delay.

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170. I therefore conclude that the Order should be made, subject to the modifications proposed.

## **RECOMMENDATION**

### **Recommendation to the Secretary of State for Transport**

171. I recommend that the **Network Rail (Oxford Station Phase 2 Improvements (Land Only)) Order 202[ ]** be made, subject to the modifications identified in document NR36a (Draft of the proposed Order (red line changes) (updated)) and given in documents NR-36b (Draft of the proposed Order (clean) (updated)), NR-37 (Book or Reference (updated)) and NR-38 Land Plans (updated)).

*Kevin Gleeson*

**INSPECTOR**

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## **APPENDIX A: APPEARANCES**

### FOR THE APPLICANT—: NETWORK RAIL

Hugh Flanagan

Barrister, Francis Taylor Building,  
Inner Temple, London EC4Y 7BY.  
Instructed by Michele Vas,  
Dentons UK and Middle East LLP.

He called:

Chris Nash BEng (Hons) MBA

Senior Sponsor for the Oxford  
Corridor Phase 2 Project,  
Network Rail

Colin Field BA (Hons) BTP MRTPI

Town Planning Manager for the  
Wales and Western Region,  
Network Rail

Lawrence Walton Meng (Oxon) GMICE

Designated Project Engineer,  
Network Rail

John Dawe-Lane BSc (Hons) MRICS FAAV

Senior Surveyor, Network Rail

## APPENDIX B: INQUIRY DOCUMENTS

### Application Documents and Updated Application Documents

NR-01	Transport and Works Act Order Application Letter
NR-02	Draft Order -Oxford Station Phase 2 Improvement Works (Land Only) Order
NR-03	Explanatory Memorandum
NR-04	Statement of Aims
NR-05	Funding Statement
NR-06	Estimate of Costs
NR-07	Consultation Report
NR-08	Book of Reference
NR-09	Land Plans
NR-10	List of Consents Permissions or Licences under Other Enactments
NR-11	DfT Network Rail Oxford Waiver Direction
NR-12	Cover Letter for Application for Prior Approval
NR-13	Prior Approval Drawings
NR-14	Planning Statement
NR-15	Design and Access Statement
NR-16	Environmental Statement - Volume 1 - Non-Technical Report
NR-17	Environmental Statement - Volume 2
NR-18	Environmental Statement - Volume 3 - Book of Figures
NR-19	Environmental Statement - Volume 4 - Technical Appendices
NR-20	Oxford City Council - Oxford Station Validation Letter
NR-21	Prior Approval of 15-0096-PA18
NR-22	Prior Approval of 10_01414_CONSLT
NR-23	EIA Screening and Scoping Response for Oxford Phase 2 Capacity Improvement Scheme, 15 January 2021
NR-24	Planning Performance Agreement with Oxford City Council, July 2021
NR-25	Oxford Corridor Phase 2 Draft Code of Construction Practice
NR-26	Oxford City Council Planning Committee Report - Oxford Station Phase 2 Prior Approval 9 November 2021
NR-27	Letter from Network Rail to Oxford City Council 2 October 2021 Response to Abbey and Cripsey Roads Residents Association
NR-28	Letter from Network Rail to Oxford City Council 1 October 2021 Response to Oxfordshire County Council
NR-29	Letter from Network Rail to Oxford City Council 23 September 2021 Response to Environment Agency
NR-30a	Reading TWAO Decision Letter
NR-30b	Reading TWAO Inspector's Report
NR-30c	Reading TWAO ukxi (The Network Rail (Reading) (Land Acquisition) Order 2009)
NR-31	1 November 2021 EA response (Environment Agency Response to Prior Approval Consultation)
NR-31	Attachment to 1 November 2021 EA letter
NR-32	Letter of Support (Future Oxfordshire Partnership)

NR-33	5 November 2021 LPA letter - Response to EA comments from Network Rail
NR-34	Oxford City Planning Committee Minutes (9 November 2021)
NR-35	Oxford Railway Station Decision (Prior Approval Decision)
NR-36a	Draft of the proposed Order (red line changes) (updated)
NR-36b	Draft of the proposed Order (clean) (updated)
NR-37	Book of Reference (updated)
NR-38	Land Plans (updated)

## Legislation

B-01	Transport and Works Act 1992
B-02	Part 3 and Part 8, Planning and Compulsory Purchase Act 2004.
B-03	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
B-04	Transport and Works (Inquiries Procedure) Rules 2004
B-05	Transport and Works (Model Clauses for Railways and Tramways) Order 2006
B-06	Planning and Compulsory Purchase Act 2004
B-07	Town and Country Planning Act 1990
B-08	Compulsory Purchase Act 1965
B-09	Railways Act 1993
B-10	Railways and Other Guided Transport Systems (Safety) Regulations 2006
B-11	European Union (Withdrawal) Act 2018
B-12	Acquisition of Land Act 1981
B-13	Town and Country Planning (General Permitted Development) Order 2015
B-14	Human Rights Act 1998
B-15	Equality Act 2010
B-16	Oxford and Rugby Railway Act 1845
B-17	Great Western Railway (Additional Powers) Act 1865
B-18	Great Western Railway (Further Powers) Act 1866
B-19	Great Western Railway (Additional Powers) Act 1936
B-20	Building Act 1984
B-21	Road Traffic Regulation Act 1984
B-22	Railways and Other Guided Transport Systems Safety Regulations 2006
B-23	2004 European Railway Safety Directive

## Scheme Development Documents

C-01	Diversity Impact Assessment (March 2020)
C-02	Outline Business Case - Strategic Case
C-03	Oxford Corridor CP5 - Phase 2 Option Report November 2014
C-04	Oxford Phase 2 Station Area DIA 081121 (Diversity Impact Assessment)
C-05	Illustrative Option Schemes



C-06	The High Level Output Specification (HLOS) 2012
C-07	Report from Sir Peter Hendy to the Secretary of State for Transport
C-08	Outline Transport Strategy Framework for Engagement
C-09	Oxford Infrastructure Strategy (OxIS)
C-10	Oxford Phase 2 Capacity Analysis Report 1.0
C-11	Pedflow Report 2.0
C-12	Oxford Corridor Capacity Improvement - Phase 2 Outline Business Case Strategic Case
C-13	EWR Performance Presentation
C-14	Network-Rail-East-West-Rail-Bicester-Bedford-Order-Decision
C-16	CP5 Oxford Corridor Phase 2 Feasibility Report

### National and Local Policy and Guidance Documents

D-01	National Planning Policy Framework (July 2021)
D-02	Guidance on Compulsory Purchase Process and The Crichel Down Rules
D-03	A Guide to TWA Procedures
D-04	National Policy Statement for National Networks
D-05	National Planning Policy Framework (February 2019)
D-06	Oxford City Council Local Plan 2016 - 2036
D-07	Oxford Economic Growth Strategy January 2013
D-08	Oxford Economic Growth Strategy Summary April 2013
D-09	Oxford Economic Growth Strategy - Action Plan updated June 2014
D-10	Connecting Oxfordshire_ Local Transport Plan Volume 3_ Rail Strategy (2015-2031)
D-11	Oxford Station Area SPD - West End Area Action Plan Part 1
D-12	Oxford Station Area SPD - West End Area Action Plan Part 2
D-13	Oxford Station Area SPD - West End Area Action Plan Part 3
D-14	Oxford Station Area SPD - West End Area Action Plan Part 4
D-15	Oxford Station Area SPD - West End Area Action Plan - Public Participation Statement
D-16	Oxford Station Area SPD - West End Area Action Plan - Strategic Environmental Assessment Screening Report
D-17	Oxford Station Area SPD - West End Area Action Plan - Adoption Statement
D-18	Oxfordshire-Rail-Corridor-Study
D-19	Rail Network Enhancements Pipeline 2019
D-20	Connecting Oxfordshire Local Transport Plan 2015-2031 Summary October 2015
D-21	The Oxford-Cambridge Arc, Ministry of Housing, Communities and Local Government
D-22	Partnering-for-Prosperity
D-23	ONS Statistical Release Regional Economic Activity
D-24	Oxford and Oxfordshire City Deal
D-25a	ONS Ratio house price to residence base earnings Table 1c
D-25b	ONS Ratio house price to residence base earnings Table 2c



D-25c	ONS Ratio house price to residence base earnings Table 5c
D-25d	ONS Ratio house price to residence base earnings Table 6c
D-26	OCC Climate Action Framework 2020
D-27	Connecting Oxford
D-28	Air Quality Status Report
D-29	Best Train Stations - Transport Focus
D-30	Oxford City Council Local Plan 2036 Background Paper on Affordable Housing

### Pre-Inquiry Documents

E-01	Network Rail - Statement of Case
E-02	Oxford University (OBJ-06) Statement of Case

### Interested Parties – Letters of Objection

OBJ-01	Southern Gas Networks WITHDRAWN 24 September 2021
OBJ-02	Thames Water WITHDRAWN on 21 November 2021
OBJ-03	David Bradbury
OBJ-04a	Select Service Partners
OBJ-04b	Rail Gourmet UK
OBJ-05	The Ramblers Association WITHDRAWN 27 July 2021
OBJ-06	The Chancellor, Masters and Scholars of the University of Oxford WITHDRAWN during Inquiry
OBJ-07	Oxford University Fixed Assets Limited WITHDRAWN during Inquiry
OBJ-08	Dr Rosemary Preston WITHDRAWN 29 July 2021 [Reclassified as SUPP-04]
OBJ-09	Jude Carroll WITHDRAWN 29 July 2021
OBJ-10	Nigel Allen WITHDRAWN 18 August 2021
OBJ-11	Dr Helena Cantone WITHDRAWN 18 August 2021 [Reclassified as REP-05]
OBJ-12	Richard Thurston WITHDRAWN 18 August 2021
OBJ-13	Pauline Massey WITHDRAWN 31 July 2021 [Reclassified as REP-04]
OBJ-14	John Murray WITHDRAWN 12 October 2021
OBJ-15	Philippa Lanchbery WITHDRAWN 16 September 2021
OBJ-16	Robert Summers WITHDRAWN 17 September 2021
OBJ-17	Oxford Fieldpaths Society WITHDRAWN 27 July 2021
OBJ-18	Francis Melvin WITHDRAWN 26 July 2021
OBJ-19	Peter Marsh WITHDRAWN 30 July 2021
OBJ-20	Eleanor Dickey WITHDRAWN 29 July 2021
OBJ-21	Thames Water Utilities Limited WITHDRAWN on 21 November 2021
OBJ-22	The Midcounties Co-operative
OBJ-23	Vernon Orr WITHDRAWN 27 July 2021
OBJ-24	David Jenkins WITHDRAWN 31 July 2021
OBJ-25	Caroline Bradley WITHDRAWN 1 August 2021

OBJ-26	YHA England and Wales WITHDRAWN 30 July 2021
OBJ-27	Dr Marc Thompson WITHDRAWN 27 July 2021
OBJ-28	Oxfordshire County Council WITHDRAWN 14 October 2021

### Interested Parties – Letters of Representation

REP-01	Thames Water [Originally categorised as OBJ-02]
REP-02	Chris Gercke
REP-03	S Meili and L Payne
REP-04	Pauline Massey [Originally categorised as OBJ-13]
REP-05	Dr Helena Cantone [Originally categorised as OBJ-11]

### Interested Parties – Letters of Support

SUPP-01	Oxford City Council
SUPP-02	Nigel Rose
SUPP-03	Railfuture – Thames Valley Branch
SUPP-04	Dr Rosemary Preston [Originally categorised as OBJ-08]

### Network Rail Proofs of Evidence

NR/CN-1	Mr Chris Nash, Proof of Evidence
NR/CN-2	Mr Chris Nash, Summary Proof of Evidence
NR/CF-1	Mr Colin Field, Proof of Evidence
NR/CF-2	Mr Colin Field, Summary Proof of Evidence
NR/CF-3	Mr Colin Field, Supplemental Proof of Evidence
NR/LW-1	Mr Lawrence Walton, Proof of Evidence
NR/LW-2	Mr Lawrence Walton, Summary Proof of Evidence
NR/JLD-1	Mr John Dawe-Lane, Proof of Evidence
NR/JLD-2	Mr John Dawe-Lane, Summary Proof of Evidence
NR/JLD-3	Mr John Dawe-Lane, Supplemental Proof of Evidence

### Documents Submitted at the Inquiry

ID-01	Network Rail Opening Statement and List of Appearances
ID-02	Draft Unilateral Undertaking between Network Rail and OBJ-22 Kenmare Estates Limited (the Owner) and Midcounties Co-operative (the Co-op)
ID-03	Email dated 3 December 2021 to Network Rail from Tanner Rose on behalf of Select Service Partners Ltd and Rail Gourmet UK Ltd
ID-04	Confirmation of Withdrawal of OBJ-06 Chancellor, Masters and Scholars of the University of Oxford and OBJ-07 Oxford University Fixed Assets Limited

ID-05-A	Clean Revised Draft Unilateral Undertaking between Network Rail and OBJ-22 Kenmare Estates Limited (the Owner) and Midcounties Co-operative (the Co-op)
ID-05-B	Red Line Tracked Revised Draft Unilateral Undertaking between Network Rail and OBJ-22 Kenmare Estates Limited (the Owner) and Midcounties Co-operative (the Co-op)
ID-06	Colin Field Additional Note dated 8 December 2021
ID-07	Chris Nash Additional Note dated 8 December 2021
ID-08	Oxford Station - Closing Submissions on behalf of Network Rail - 9 December 2021