



Department for Transport

Ms Charlotte Jones
Addleshaw Goddard LLP
3 Sovereign Square
Sovereign Street
Leeds
LS1 4ER
By email.

Natasha Kopala
Head of the Transport Infrastructure
Planning Casework Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: TWA/23/APP/05

19 October 2026

Dear Ms Jones,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to:

- the Report of the Inspector, K R Saward Solicitor MIPROW, who held an Inquiry between 18 June and 3 July 2024, into the application made by your client, Network Rail Infrastructure Limited ("NR"), for the proposed Network Rail (Tackley Level Crossing) Order ("the Order") under sections 1 and 5 of the Transport and Works Act 1992 ("the Act");
- the responses prior to the 'minded to refuse' letter which were received on 13 January, 24 February and 5 March 2025 to the consultation undertaken by the Secretary of State on 10 December 2024 which sought further information and clarification from NR and from Mr Peake (OBJ/70) with regard to the alternative option known as 'Route D';
- NR's response of 21 August 2025 to the 'minded to refuse' letter;
- the amended Order application containing a revised proposal, submitted by NR on 3 March 2026, which includes an application for a deemed planning permission, subject to conditions, under section 90(2A) of the Town and Country Planning Act 1990 ("TCPA") for the works that are the subject of the Order;
- representations submitted in response to the consultation undertaken by NR on the revised proposal and NR's responses to those representations;
- comments from interested parties on a further proposed modification made by Oxfordshire County Council ("OCC"), the Local Highway Authority, on replacing two of the gates with bollards; and
- additional comments received from Mrs Ruth Plucknett, Mr AJM Crocker and Ms JA Pulaski and Tackley Parish Council.

2. The Inspector's Report was made publicly available alongside the 'minded to refuse' letter on 21 May 2025. All "IR" references in this letter are to the specified paragraph in the Inspector's Report. This letter should be read alongside the Inspector's Report and the Secretary of State's 21 May 2025 'minded to refuse' letter which are published on the GOV.UK website.
3. This decision has been allocated to, and made by, the Parliamentary Under Secretary of State, Keir Mather MP. While this decision has not been taken by the Secretary of State in person, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Parliamentary Under Secretary of State acting on behalf of the Secretary of State.
4. The proposed Order would authorise the permanent closure of the level crossing at Tackley in Oxfordshire, the stopping up of part of an existing bridleway over Tackley Level Crossing ("TLC"), a footpath redesignation and the creation of a new bridleway ("the Scheme").
5. A new stepped footbridge with lifts, authorised through permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015, would be provided at Tackley Station for pedestrian access between platforms. The Order would confer powers on NR for the temporary use of land in connection with the provision of the footbridge, the closure of the level crossing and the construction of the new bridleway and temporary construction compounds as well as the temporary stopping up of rights of way for works to be undertaken (IR 1.6).
6. Although not part of the Order, NR intends to allow public access over the footbridge to non-railway users, including pedestrians and cyclists on foot, to enable them to connect to the existing bridleway. This access would, however, be on a permissive basis only (IR 1.7).
7. As set out at paragraph 6 of the 'minded to refuse' letter, the draft Order originally submitted provided for the permanent acquisition of land for the delivery of the new bridleway. Through consultation with OCC, NR became aware that the acquisition of rights in the land would be sufficient for the creation of the new bridleway and a revised draft Order was submitted the day before the opening of the Inquiry with all powers of permanent land acquisition removed (IR 1.32). OCC also contributed to the modifications session at the Inquiry regarding possible amendments to address their concerns over the drafting of the Order (IR 1.33). The Secretary of State also noted (IR 1.4) that the southern end of the new bridleway was amended during the course of the Inquiry to a position along the outer edge of the field as shown by a pink line in the Updated Land and Rights of Way Plans (Document APP07-2). The Secretary of State was satisfied that these changes did not represent a significant change to the proposed Scheme to the degree that a new application would be required.
8. Following the amended Order and deemed planning permission application submitted on 3 March 2026 and NR's clarification dated 2 July 2026, compulsory acquisition of rights for the creation of the new bridleway through the Order are not being sought. Instead, reliance is being placed on article 13 (rights under or over streets) now shown as article 12 and article 14 (temporary use of land for development) now shown as article 13 of the Order to achieve the creation of the new bridleway. The Secretary of State remains satisfied that this does not represent a significant change to the proposed Scheme.

Summary of the Inspector's Recommendations

9. The Inspector recommended that the Order, as submitted and revised, is not made and that the Secretary of State consult on a modified version of the Order to (i) substitute the proposed new bridleway for a bridleway along an alignment shown in the approximate position of Route D (see Appendices D and E of the Inspector's Report) and (ii) to record the position of gates along the route to British Standard BS5709:2018. As this would be a substantial change to the proposals, the Inspector recommended that, in accordance with section 13(4) of the Act, the proposed modifications be consulted upon and any representations considered before deciding whether to make the Order with the modifications (IR 7.2-7.3).
10. The Inspector also recommended that, should the Secretary of State be minded not to progress the Route D modification and to make the Order as submitted and revised, the Order should nevertheless be modified in accordance with the first bullet point of IR 7.4 to record the gates as a limitation. The Inspector considered that no further consultation would be required in relation to this (IR 7.5).

Summary of Secretary of State's Decision

11. For the reasons given in this letter, the Secretary of State has decided to make the amended Order submitted by NR on 3 March 2026 with modifications and to grant deemed planning permission, subject to conditions set out in Annex A to this letter.

The 'Minded to Refuse' Letter

12. A letter was issued on 21 May 2025 ("the 21 May 2025 letter") indicating that, for the reasons explained at paragraphs 12 to 61 of that letter, the Secretary of State was not yet in a position to decide whether to accept the Inspector's recommendation set out at IR 7.3 but was currently minded not to approve the application.
13. The Secretary of State agreed with the Inspector's conclusions that there is a compelling case on safety grounds to close TLC and extinguish the bridleway thereover and she was satisfied of all matters within the Statement of Matters except for Matter 3 regarding the safety implications of use of the new bridleway with horses (IR 6.1 and paragraph 56 of the 21 May 2025 letter). She agreed with the Inspector's conclusions that, since the new bridleway would only be safe for use by experienced riders on horses familiarised with trains, she could not be satisfied that the new bridleway was a convenient and suitable replacement for all existing users of the section of bridleway over TLC. The test in section 5(6)(a) of the Act was therefore not met in accordance with Annex 2 of the *Guide to TWA Procedures* (IR 6.2 and paragraphs 57 and 58 of the 21 May 2025 letter). Whilst this guide has been removed from the GOV.UK website, it is still considered by the Secretary of State to be a relevant test.
14. The Secretary of State agreed with the Inspector that the alternative route known as Route D would be both suitable and convenient as well as more enjoyable than the originally proposed new bridleway (IR 6.6, IR 6.12 and paragraph 59 of the 21 May 2025 letter).
15. The Secretary of State was, however, minded not to approve the application subject to consideration of any further views submitted by NR and other parties. NR was invited to respond within 3 months following consideration of the Secretary of State's letter of 21 May 2025 and the Inspector's Report on;
- incorporating Route D into the Scheme;
 - should Route D come under consideration, NR was to confirm whether the adoption of Route D would significantly change the environmental assessment such that an EIA would become necessary; and

- NR's views regarding the ongoing temporary closure of TLC which is authorised by a Temporary Traffic Regulation Order made under the Road Traffic Regulation Act 1984 and which was to expire in June 2025 (paragraph 62 of the 21 May 2025 letter).

Secretary of State's Consideration

16. The Secretary of State has had regard to the contents of the correspondence received following the 21 May 2025 letter and the further responses from NR on various matters regarding the application. She is satisfied that she now has the information necessary to determine the application without requesting further responses from NR or interested parties.
17. Careful consideration has been given to all the arguments put forward by, or on behalf of, all parties. The Secretary of State's consideration of these, the Inspector's Report, the information received from NR following the 21 May 2025 letter, representations received from all interested parties and all other material considerations are set out in the following paragraphs. This letter should be read with the 21 May 2025 letter and where not specifically stated, the Secretary of State can be taken to agree with the findings, recommendations and conclusions put forward by the Inspector.
18. The Secretary of State has complied with the Public Sector Equality Duty and has had due regard to the matters set out in section 149(1) of the Equality Act 2010 in accordance with section 149(3) to (5) concerning the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic or persons who do not.

The Amended Proposal

19. On 21 August 2025 NR provided a response to the matters raised in the 21 May 2025 letter which detailed the amendments required to incorporate Route D into the Scheme. NR advised that Route D as referenced by the Inspector (Appendix D of the Inspector's Report) was shown approximately on the diagram put forward by the British Horse Society ("BHS") but that it did not have regard to field boundaries. NR advised that following discussions with Mr Peake, the owner of the field through which the bridleway was proposed to run, they proposed an alternative route for Route D that follows strictly around the northern and western field boundaries (paragraph 2.1 of the NR response).
20. NR advised that initial engagement had been undertaken and the local community and Local Highway Authority were generally supportive of the proposed incorporation of Route D into the Scheme. Mr Peake and Mr Crocker (owner of the land immediately to the north) had both confirmed that they were comfortable with the proposal, OCC had indicated its support, noting that further engagement with regards to surfacing and fencing was required and NR had undertaken an informal door-to-door exercise to engage with local residents, leaving letters where residents were not immediately available (paragraphs 2.6 to 2.8 of the 21 August 2025 response).
21. In the response dated 21 August 2025, NR provided a revised Order and revised Land and Rights of Way Plans and advised that an application for a direction for deemed planning permission would be made in relation to Route D as this route is beyond the limits of the existing railway line and would, therefore, not benefit from permitted development rights. NR advised that the 'development' comprised in the Order includes the works necessary to create the new bridleway/upgrade the existing footpaths and the corresponding change of use.
22. NR also confirmed in its response dated 21 August 2025 that it does not consider that pursuit of Route D would significantly change the environmental assessment such that the Scheme would be deemed an EIA development. It stated that Route D would not amount

to Schedule 1 or Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not change any effects of any elements of the Scheme (paragraph 3.2). The Secretary of State notes that the original screening was undertaken for a more extensive Scheme (including the proposed closure of Sandy Lane Level Crossing and Yarnton Level Crossing) and the then Secretary of State considered that the project would not have a likely significant effect on the environment. The Secretary of State agrees that the change to Route D would not significantly change the environmental assessment to the extent that the Scheme would be deemed EIA development.

23. In response to the request in the 21 May 2025 letter regarding the temporary closure of TLC, NR advised that OCC had agreed to extend the Temporary Traffic Regulation Order for the ongoing closure of TLC until 31 December 2026 or until the works are completed (whichever is sooner) (paragraph 4.1 of the 21 August 2025 response).

Consultation

24. The Secretary of State was content with NR's proposals for a targeted form of public engagement on the proposed amendments which included a new request for deemed planning permission. She was also content with the proposed method of engagement, list of consultees and the proposal for a 4-week period for the submission of any comments (paragraphs 2.15 and 2.16 of the 21 August 2025 response).

25. NR undertook a consultation exercise on the amended bridleway route and associated changes to the Order with responses to be received by 3 December 2025. Comments were received from:

- a. Alexandra Machin on behalf of herself and the Bicester and Warden Hill Pony Club;
- b. Will Steel on behalf of the BHS;
- c. Geri Coop on behalf of the Byways and Bridleways Trust;
- d. Ruth Plucknett;
- e. OCC;
- f. Helen and Christopher Spencer; and
- g. Hywel Morse of Laws & Fiennes on behalf of Mr Peake.

26. NR responded directly to those consultees who had outstanding concerns (the Byways and Bridleways Trust, Mrs Plucknett, OCC, Mr & Mrs Spencer and Mr Peake) and, on 30 January 2026, NR provided a formal response to the Secretary of State regarding how those concerns could be alleviated.

Ms Machin on behalf of herself and the Bicester and Warden Hill Pony Club

27. Ms Machin confirmed that the proposed new route aligned with the preferred option of herself and the Bicester and Warden Hill Pony Club and therefore there was no objection to the principle of the amended proposal.

The BHS

28. Mr Steel, on behalf of the BHS, submitted that, on the basis that the new proposed route of the bridleway broadly aligned with the route that the BHS has recommended for several years, the BHS has no objection to the principle of the amended proposal and would be happy to assist with advice for its development.

The Byways and Bridleways Trust

29. On behalf of the Byways and Bridleways Trust, Ms Coop stated that it appeared that the proposed route now aligned with that suggested by the BHS and supported by the Byways and Bridleways Trust and local riders. She stated that, in that case, her correspondence could be taken as support of the proposal but that this was subject to provision of an appropriate surface for all users where ground conditions require it to be resilient through winter without being a sealed surface.

NR's Response

30. NR stated that the design of the new bridleway will be approved by OCC as the Highway Authority and that OCC has approved the use of a free-draining, naturally binding stone for the surface layer, similar in nature to the existing bridleway surface (Tackley BR2) and that the new bridleway will comply with the guidance of OCC with regards to its construction.

Mrs Plucknett

31. Mrs Plucknett stated that as the route is in part already used by walkers and horses she is not averse to it continuing to be used. She raised concerns regarding any proposal to urbanise the route in terms of lighting, resurfacing or enclosing, considering that resurfacing would change the rural aspect and open up the potential for motorbikes, enclosing would be difficult when mixing horses with dog walkers and lighting would be detrimental to wildlife.

NR's Response

32. NR confirmed that it is following OCC's guidance to ensure that the bridleway is appropriately designed for a rural setting and can safely accommodate shared use by walkers, riders and other non-motorised users. NR confirmed that the surface will be similar to that of the existing bridleway (Tackley BR2) and that there are no proposals to introduce lighting or urban-style surfacing. NR stated that gating will be installed to allow public access to additional footpaths while enabling the farmer to reach their land and that it was also considering the installation of an appropriately located bollard to prevent unauthorised access by motor vehicles.

OCC

33. OCC stated its support for the amended proposal and provided comments. It noted that, between points B2 and B3 on Plan 160474-MOS-OXF-DCL-DRG-ECV-210003-P06, the existing footpath runs between garden fences and an old concrete post and wire fence and adjacent vegetation/ hedge and that in order to provide the bridleway in this location the fence and a substantial amount of vegetation would need to be removed. It asked whether this was intentional or whether the new route could be provided to the south of the vegetation/hedge line.

34. OCC queried the amendments to article 9 of the Order, raising concerns that it is unclear how the fencing will be configured to enclose the bridleway and that gates should only be provided at points B2, B3, C2 and the termination point if required for stock control. It stated that, otherwise gaps of 1.525m should be provided on the bridleway (B2 and Termination of Bridleway) and gaps of 1.1m provided for access on to the footpaths at B3 and C2 and that this approach aligns with the British Standard principle of offering the least restrictive option. Furthermore, that if these structures are to be included as limitations in the Order (whether installed on implementation of the bridleway or not), the type of gates should be discussed and agreed with OCC.

NR's Response

35. NR stated that it is comfortable that OCC's observations can be dealt with via OCC's approval of the design of the new bridleway or have already been considered under the Order. NR confirmed that it has discussed the hedge line with the Tackley Estate and their preference is that the hedge be removed so the combined space with the current footpath corridor can provide the required width for the new bridleway. NR states that this option minimises land take from the Tackley Estate, allows a compliant and accessible route and has been supported by several neighbouring residents.

36. With regard to OCC's comments on the configuration of fencing and access structures which NR has agreed to, it confirmed it will ensure that any structures installed or recorded as limitations in the Order are discussed and agreed with OCC in advance.

Mr and Mrs Spencer

37. Mr and Mrs Spencer object to the redesignation of the footpath without mitigation measures to protect the privacy and amenity of their property. They are concerned that what is currently an unfenced footpath running at a slight distance from their eastern boundary will change to a fenced-in bridleway where users will pass immediately alongside the east and north sides of their garden boundary. They consider that the issue will be compounded by the change in the nature of the users, now including horse riders who, due to their elevated height, will potentially look directly into their house and garden. Mr and Mrs Spencer recognise that there is a need for a safe route for the bridleway but state that no concrete proposals have been presented to them regarding mitigation measures to protect their residential amenity and that of their family.

38. They request a minimum that the following mitigation measures are incorporated into the scheme: the planting of an evergreen hedge alongside their boundary at the point at which the new bridleway route runs along it; that consideration be given to the aesthetic of the design of any fencing immediately adjacent to their property; and that consideration is given to minimising the noise impact of horses, cyclists and pedestrians when the choice of surface for the bridleway is selected, particularly at the point when it passes along their boundary. They consider that without suitable mitigation measures the proposed changes could potentially have a significantly negative impact on the amenity of their home.

NR's Response

39. NR acknowledges Mr and Mrs Spencer's concerns regarding the proximity of the proposed bridleway to their property. NR advises in its response to them that the alignment reflects the only practicable route available which ensures that no part of the Tackley Estate becomes landlocked and that there are no feasible alternative alignments that would allow the Scheme to meet statutory and land access requirements. NR confirmed that it intends to implement a rural-appropriate stock-proof fence, that the bridleway surface will be similar to that of the existing bridleway (Tackley BR2) and that it is considering how planting may be incorporated. NR notes in its letter dated 30 January 2026 that, following the consultation responses responding to Mr and Mrs Spencer's and Mr Peake's representations, Mr and Mrs Spencer have agreed to purchase land to the north and east of their property from Mr Peake in order to mitigate the effects of the amended bridleway route as set out in their representation by allowing the bridleway to be situated further away from their house. At the time of NR's formal response, Heads of Terms had been agreed between Mr and Mrs Spencer and Mr Peake confirming the extent of the land to be purchased (paragraph 2.7).

40. NR advised in its letter dated 30 January 2026 that the purchase of the land to the north of Mr and Mrs Spencer's property will result in a slight amendment to the alignment of the amended bridleway route, such that the route turns to the east and runs along the new property boundary at a point further to the north than originally anticipated. NR stated that,

whilst this update to the amended bridleway route has not been consulted on, it considers, that no further consultation is required since the agreement is being made between the only two affected landowners and the update will not impact on the users of the new bridleway (paragraphs 2.8 and 2.9).

Mr Peake

41. Mr Peake is concerned about five issues arising from the application:

- a. the location of the proposed new bridleway;
- b. the application's effects on the Tackley underpass;
- c. the future of the remaining cul-de-sac bridleway;
- d. the temporary use of Estate land; and
- e. the proposed Heads of Terms.

42. Mr Peake stated that, as previously sought, he requires details of the gate arrangements at the point the bridleway enters his land to ensure that the access is not unnecessarily restricted, the general public and livestock can be kept separate and that the bridleway fencing does not prevent access between fields. Access for machinery to enter the bridleway from the fields for access and maintenance is also required. Mr Peake is concerned that NR has not carried out a detailed topographical study of the new route and that workable and practical designs of gateways could not be drafted without accurate survey data. Mr Peake proposed that a survey be carried out at once and that NR provide Mr Peake with draft designs for approval or amendment.

43. With regard to the Old Whitehill underpass, Mr Peake is concerned that the Old Whitehill railway bridge is too low for modern agricultural purposes, and he understands that NR will need to lower the underpass track under the bridge so that its vehicles can transport materials to the work site. Mr Peake is prepared for the underpass track to be used for these purposes but considers that the opportunity should be taken to ensure the underpass can be used in future by farm machinery and that improvements are made to prevent the ponding of rainwater under the underpass. Mr Peake requests that the underpass track be lowered to an appropriate depth and standard to be agreed with him. He stated that these works can only be authorised by NR as the bridge is their asset. He also stated that certain Thames Water Sewage pipework will need to be buried lower for NR's purposes and that too should be lowered to suitable depth and standard to be agreed with him, to allow the subsequent use of the track by farm machinery. Furthermore, he considers that new drainage should be installed and he owns land to the south of the underpass which could provide a permanent outfall for a drainage solution.

44. Given that the new footbridge will be a permissive path, Mr Peake is concerned about the prospect of the presence on the Estate land of a redundant cul-de-sac if ticket barriers are installed at the station or NR decides that access to non-railway users should cease. He, therefore, seeks an amendment to the application which, in the event of the Order being made, would result in the cul-de-sac's status being changed to that of a permissive path. Mr Peake also seeks an undertaking from NR that closure of its permitted path would trigger closure of the cul-de-sac as a permitted path also. He requests an explanation from NR of the procedure in advance of determining access to non-railway users should cease and of how the replacement of a right of way with a permitted path satisfies the test under section 5(6)(a) of the Act.

45. Mr Peake would welcome further information on the duration of the 'temporary' use of Estate land. With reference to Map reference 001 - 10,899 square metres of agricultural land, hardstanding, he states that NR seeks temporary possession for this area for the

construction of the new station platforms and associated works but that the area has been included within the Order unnecessarily, given that no attempt to reach a commercial agreement was undertaken by NR. He states that NR's Engineer was clear at the Inquiry that the station works could be carried out using deliveries by rail and suggests that NR seek to deliver the station upgrade scheme using rail deliveries as suggested which will negate the need for parcels 001, 003, 003a and 003b or seek to acquire the rights required on a commercial basis.

46. As the main landowner impacted by the Scheme, Mr Peake considers it unreasonable that he was only provided with a revised financial offer for the alternative route 5 days before the consultation was launched. He states that, in seeking to address concerns from impacted neighbours a potential amendment to the bridleway route at point D1 is being pursued and that the impact of the new Route D on Mr Peake's land needs to be considered with respect to the effective severance the creation of the new bridleway will have when compared with the original lineside route. Mr Peake requests that discussions on the draft Heads of Terms continue and consideration be given to allow the minor amendment at point D1 to complete before the Order is applied for and acknowledgment that while Route D is a safer route it will cause a greater impact on his property with partial severance and increased inconvenience when seeking to access and farm his land.

NR's Response

47. In response to Mr Peake's concerns regarding details of the gate and fencing arrangements, NR advises that the revised form of the Order issued as part of the consultation includes an amendment at article 9(15) for the provision of gates to British Standard 5709:2018 at points along the new bridleway. NR states that, whilst the nature of the gates and fencing was indicatively provided during the course of the Inquiry, finalisation is the subject of a negotiated agreement between NR and Mr Peake.

48. As far as Mr Peake's comments regarding the Old Whitehill underpass and the remaining cul-de-sac bridleway are concerned, NR points to the Secretary of State's conclusions at paragraph 60 of the 21 May 2025 letter and has not considered these matters further. NR re-iterates that, as stated at the Inquiry, the permitted path across the station is not proposed as an alternative to the closure of TLC, rather the new bridleway is the alternative in satisfaction of the section 5(6)(a) test and refers to paragraph 46 of the 21 May 2025 letter.

49. With regard to Mr Peake's concerns regarding the temporary use of Tackley Estate land, NR refers to the conclusions of the Secretary of State in the 21 May 2025 letter that she agrees with the Inspector that there is a compelling case in the public interest to justify conferring on NR powers for the proposed temporary use and acquisition of permanent rights in the Order land for the purposes of the Scheme and all land and rights over land which NR has applied for is necessary to implement the Scheme (see paragraph 50 of the 21 May 2025 letter). NR notes that commercial negotiations have been ongoing with Mr Peake since 18 April 2024 with no agreement being reached, hence the need to pursue a Transport and Works Act Order (paragraph 2.23 of NR letter dated 30 January 2026 (consultation responses)).

50. Finally, as to the proposed Heads of Terms, NR considers that the financial offer is not relevant to the Consultation or the question of whether or not the Order should be made in its revised form and that the provisions of the Compensation Code will ensure that Mr Peake is compensated in accordance with the statutory scheme, whether or not a financial offer is agreed. NR states that it notes that active discussions are ongoing between the parties to govern the implementation of the Order powers in relation to Mr Peake's land and to determine the best route that minimises the impact on both Mr Peake and Mr and Mrs

Spencer. NR states that it does not consider that there would necessarily be any severance of Mr Peake's land, given the discussions.

The Secretary of State's Conclusion

51. The Secretary of State notes that the BHS and Ms Machin on behalf of herself and the Bicester and Warden Hill Pony Club have no objection to the principle of the amended proposal. She notes that the Byways and Bridleways Trust are supportive of the proposal subject to provision of an appropriate surface for all users and that Mrs Plucknett's concerns relate to the potential urbanisation of the route in terms of lighting, resurfacing or enclosing. The Secretary of State notes that the design of the new bridleway will be approved by the Local Highway Authority and that NR will be following OCC's guidance to ensure that the bridleway is appropriately designed for a rural setting and suitable for shared use by walkers, riders and other non-motorised users. She notes that OCC has approved use of a surface layer which will be suitable for equestrians, cyclists and pedestrians, is similar to that of existing bridleway (Tackley BR2) and that there are no proposals to introduce lighting or urban-style surfacing. The Secretary of State is, therefore, content that the design and surface of the new bridleway will retain the rural aspect of the route, address the concerns of the Byways and Bridleways Trust and Mrs Plucknett and be suitable for all users. Further correspondence received from Mrs Plucknett on 9 July 2026 is addressed at paragraphs 75 to 83 below.

52. The Secretary of State notes that OCC also supports the amended proposal. With regard to OCC's comments concerning the existing footpath and whether the new bridleway could instead be provided to the south of the vegetation/ hedge line, she notes the preference of the Tackley Estate for removal of the hedge so that the combined space can provide the required width for the new bridleway. She further notes that NR states that this minimises land take from the Estate, allows for a compliant and accessible route and is supported by several neighbouring residents. The Secretary of State is, therefore, content that NR has adequately considered this matter and has selected the option which provides the required width for the bridleway whilst having the least impact on the landowner affected and other interested parties.

53. OCC's comments regarding amendments to article 9 and the provision of fencing and gates have been addressed through a requested amendment to the revised application and are dealt with under the section below headed 'Modification Request'.

54. The Secretary of State notes Mr and Mrs Spencer's objection to the redesignation of the footpath without mitigation measures to protect the privacy and amenity of their property and recognises the potential privacy issues due to the redesignation meaning that horse riders may potentially look directly into their house and garden. The Secretary of State notes that NR has confirmed that fencing will consist of a rural-appropriate stock-proof fence, the bridleway surface chosen will minimise any noise and planting is being considered.

55. The Secretary of State also notes that Mr and Mrs Spencer have since agreed to purchase land from Mr Peake allowing the bridleway to be located further away from their property. Given the mitigation measures detailed above and the fact that the bridleway will now be located further from their property, the Secretary of State is content that Mr and Mrs Spencer's concerns have been adequately addressed. The Secretary of State acknowledges that this has resulted in a slight amendment to the alignment of the new bridleway but agrees with NR that no further consultation on this matter is necessary since agreement is being made between the only two affected landowners and the change would not affect users of the bridleway.

56. In his consultation response Mr Peake requests details of the gate and fencing arrangements at the point the bridleway enters his land to ensure public access is not restricted, livestock are kept separate, fields remain accessible, and machinery can enter for maintenance. NR in its letter dated 30 January 2026 accept that these essential details have not yet been provided. NR confirmed that the amendment of article 9(15) in the Order, provides for the provision of gates to British Standard 5709:2018. The finalisation of the gates and fencing are the subject of a negotiated agreement between NR and Mr Peake.

57. Mr Peake revisits his requests for improvements to the Old Whitehill underpass and his concerns regarding the future of the remaining cul-de-sac bridleway. The Secretary of State has, however, already concluded on these matters at paragraphs 45 to 46 and paragraph 60 of the 21 May 2025 letter where she acknowledges the informal nature of the permissive access over the footbridge which is not the proposed alternative to the closure and that access is, therefore, not to be considered in the context of section 5(6) of the Act. She concludes at paragraph 60 of the letter that this matter and the carrying out of works to the Old Whitehill underpass do not directly relate to the Scheme and agrees with the Inspector that an Order for Route D could be made and would be deliverable (IR 6.7 and IR 7.2). The Secretary of State reaches the same conclusions with respect to the new understanding of Route D.

58. As far as Mr Peake's concerns regarding the temporary use of his land, the Secretary of State notes that he would appreciate further information on the duration of the temporary use and encourages NR to engage with him on this matter. The Secretary of State notes Mr Peake's comments regarding Map reference 001 as well as his suggestion that NR seek to deliver the station upgrade scheme using rail deliveries, which will negate the need for parcels 001, 003, 003a and 003b; or that NR seeks to acquire the rights required on a commercial basis. NR notes that commercial negotiations have been ongoing with Mr Peake since 18 April 2024 with no agreement being reached and at paragraph 54 of the 21 May 2025 letter, the Secretary of State noted that the Inspector references the efforts made by NR in its negotiations. In the 21 May 2025 letter, the Secretary of State concluded that she was satisfied that all of the land subject of temporary possession is required to enable construction of the footbridge and new bridleway and that, given the reduction in the scope of the Order by the removal of permanent acquisition of freehold interest, she was content that NR has a clear requirement and justification that the use of the land is necessary for the implementation of the Scheme and provision of the new bridleway (IR 5.147) (paragraph 53 of the 21 May 2025 letter). This included plot 001 where there is no amendment requested. The Secretary of State has considered the proposed amendments to the Order and remains satisfied in this respect that the use of land provided by article 13 (rights under or over streets) now shown as article 12 and the temporary use of land provided by article 14 (temporary use of land for development) now shown as article 13 is necessary for the implementation of the Scheme and provision of the new bridleway.

59. With regards to Mr Peake's comments on the proposed Heads of Terms, the Secretary of State notes the amended route now before her as a result of negotiations between Mr Peake and Mr and Mrs Spencer and whilst acknowledging that Route D has a greater impact on Mr Peake's property than the original lineside route she is pleased that the impact on Mr Peake and Mr and Mrs Spencer has been minimised as a result of their engagement. The timing of any financial offer from NR is not a matter for consideration by the Secretary of State.

60. Having carefully considered the broadly supportive comments received from the interested parties consulted and NR's responses to those comments, the Secretary of State is content that there are no matters raised in those comments in relation to the revised version of Route D which have not been adequately addressed and cause her to now

disagree with the Inspector and her own conclusions at paragraph 59 of the 21 May 2025 letter that Route D would be both suitable and convenient as well as more enjoyable than the lineside route (IR 6.6 and IR 6.12). The Secretary of State is satisfied that the amended version of Route D, as further amended as a result of negotiations between Mr Peake and Mr and Mrs Spencer, is a convenient and suitable replacement for all existing users of the section of bridleway over TLC and she is, therefore, satisfied that the test in section 5(6)(a) of the Act is met.

Modification Request

61. On 3 March 2026 NR formally submitted to the Secretary of State the amended Order application documents incorporating the amended bridleway route and the request for deemed planning consent. Given that the incorporation of Route D results in a change to the Scheme which requires planning permission, the Secretary of State is, in these particular circumstances, content exceptionally to accept a request for deemed planning permission at this late stage. The Secretary of State notes and agrees that the Scheme remains non-EIA development.

62. Subsequently, on 19 March 2026, NR submitted a request for a modification to the Order and Plans submitted. NR advised that this was as a result of OCC questioning the necessity of gates on the bridleway at points B2, B3, and the point of termination of the bridleway as shown on the Order Plans, preferring bollards in place of pedestrian gates.

63. NR advised that it remained committed to providing livestock gates at points B2, B3, and the bridleway termination for the benefit of Mr Peake, to secure access to his land and to facilitate the movement of livestock across his agricultural holdings but that it did not have a particular preference regarding the use of gates versus bollards on the bridleway and could accommodate OCC's request to install bollards at points B2 and at the bridleway termination. NR advised that it considers that a pedestrian gate is required at point B3 to maintain access to the existing public footpath PROW 379/16/20, whilst also protecting the security of livestock in the adjoining field.

64. NR therefore requested that article 9(15) of the Order be amended to read '*Network Rail may carry out such works as are necessary for purposes of the creation or maintenance of the new highway including such boundary treatments and hedging as may be appropriate to the satisfaction of the highway authority in accordance with this article and will provide any gates to British Standard 5709:2018 (or any replacement standard) at locations to be agreed with the highway authority, such gates to be maintained according to the provisions of paragraph (1).*'

65. In its e-mail of 13 March 2026 to NR, OCC stated that gates should only be installed where they are needed to control stock and therefore should not be installed at either end of the bridleway. It considered that the proposed north and south gates arrangements, which do not appear necessary for stock control, should be replaced with bollards providing a clear gap of 1.525m in the centre while still allowing vehicle access when necessary but preventing unauthorised vehicular access. OCC stated that gates can be difficult for horse riders to negotiate and, given the proximity to the railway at the northern location, there is an additional safety concern with trains passing close by. It stated that a gated arrangement could impede a horse's ability to move unhindered away from the railway, whereas a clear gap would allow free and safe passage. OCC considers that a fence and gate arrangement would restrict vehicular access for maintenance purposes whereas a bollard layout could accommodate a removable or collapsible bollard to enable access when required.

66. As far as the north west gates arrangement is concerned, OCC considered that the proposed pedestrian gate was acceptable if needed for stock control but should, otherwise,

be left as a gap. OCC further stated that the gates should be capable of opening in both directions so that, when not in use for moving stock, they can be opened away from the bridleway thereby not causing an obstruction.

67. On 20 March 2026, OCC confirmed to NR that it was content with its updated drawings for the gates and bollards. It commented that the north west gates arrangement still shows a pedestrian gate to accommodate the footpath, which it is assumed is required for stock control. OCC also confirmed to NR that it could not see any immediate issues with the fencing detail but that it would be sensible to obtain the views of the BHS as well as checking whether planning permission would be required for the type of fencing proposed.

Views of Interested Parties

68. On 2 April 2026, the BHS confirmed that the location of the bollards proposed on the latest plan appeared sensible and the proposals appear to comply with its guidance on the use of bollards apart from that their preference would be for a round bollard rather than one with a square cross-section. In his 1 May 2026 correspondence to NR, Mr Peake's agent advises that both bollards at the southern gateway will be on the Tackley Estate but that the northern bollard at the northern gateway would be on neighbouring land. He states that the bollards will be outside the field fence and will therefore not impact the farming operation and that there should be no interaction with the public who should now be excluded from the field, therefore minimising the chances of interactions with livestock and machinery.

69. Mr Crocker, the neighbouring landowner, is, however, opposed to the proposed bollards and supports the gate option (e-mail of 10 June 2026 from Mr Crocker to NR). He considers that it would be very easy for quad bikes and motor scooters to use the bridleway and states that they have plagued the track mainly on the other side of the railway line, where the hard core track provided easy access. He believes they would likely migrate to his side with a new easy access bollard opening. NR notes that the installation of bollards is supported by the equestrian community and, although content itself with either gates or bollards on the bridleway, observes that bollards would be better at stopping vehicles from accessing the new bridleway than gates would be.

The Secretary of State's Conclusion

70. The Secretary of State notes OCC's concern that gates should only be installed where they are needed to control stock and that OCC has confirmed that in requesting the use of bollards rather than gates it has complied with the Public Sector Equality Duty and has had due regard to its duties under section 149 of the Equality Act 2010, including the potential impact on disabled users and users of mobility vehicles. OCC confirmed that the request reflects the application of the least restrictive option reasonably available, balancing accessibility with the need to prevent unauthorised vehicular access and manage safety risks and that the proposed central gap of 1.525m has been assessed as providing a reasonable and proportionate means of access for legitimate users, and is the minimum width required for a gap on a bridleway. The Council is satisfied that equality impacts have been properly considered for the purposes of section 5(6) of the Act. The Secretary of State has taken into account OCC's comments that gates can be difficult to operate from horseback, from a mobility aid or where ground conditions are poor whereas bollards are less likely to place disabled people or other lawful users of a bridleway at a disadvantage.

71. The Secretary of State notes that the BHS are content with the bollard arrangements and that Mr Peake foresees no difficulty regarding the bollards but that Mr Crocker's strong preference is for gates due to his concerns over quad bikes and motor scooters. The Secretary of State also notes that, whilst NR have no preference as to whether bollards or

gates are provided on the bridleway it comments that bollards would be better at stopping vehicles from accessing the new bridleway.

72. With regard to the provision of fencing, the Secretary of State notes from NR's correspondence of 13 April 2026 that separate planning permission is not required and that the BHS in its e-mail dated 1 May 2026 has confirmed its approval of the fence design.

73. The Secretary of State is satisfied that OCC has provided sufficient information to address the duty under section 149 of the Equality Act and that they are satisfied that equality impacts have been properly taken into account for the purposes of section 5(6) of the Act. The Secretary of State agrees and is content that the needs of all users have been taken into account in the design of the bollards and agrees with NR that it is for the Highway Authority to determine the necessary and appropriate infrastructure to be installed on the bridleway. The Secretary of State is, therefore, satisfied that the bridleway will be a convenient and suitable replacement for all existing users and that the modification should be made in accordance with the revised wording as submitted by NR on 14 May 2026:

'Network Rail may carry out such works as are necessary for purposes of the creation or maintenance of the new highway including such boundary treatments and hedging as may be appropriate to the satisfaction of the highway authority in accordance with this article and will provide either gates to British Standard 5709:2018 (or any replacement standard) or bollards at points B2 and Termination of Bridleway with the selection between gate and bollard to be agreed with the highway authority. All such gates and bollards to be maintained according to the provisions of paragraph (1).'

74. However, in order to work to resolve Mr Crocker's concerns, the Secretary of State expects NR to assist by facilitating discussion with the Local Highway Authority and she also strongly encourages NR to continue to engage with the BHS over the design and work regarding the bollards.

Other Correspondence

Mrs Ruth Plucknett

75. Further correspondence was received on 9 July 2026 from Mrs Ruth Plucknett whose property directly adjoins the proposed replacement route. Mrs Plucknett requests that these comments supersede her previous comments where they relate to the detailed design of the revised route as her understanding had been that the existing belt of vegetation would remain, the existing public footpath adjacent to her property would cease to form part of the principal public route and the new bridleway would pass on the opposite side of the vegetation. She states that this understanding was reinforced by plans provided by NR on 5 November 2025 and that her earlier comments, therefore, did not address the environmental, landscape and residential consequences arising from vegetation removal.

76. Mrs Plucknett is concerned that the bridleway will attract greater levels of use with a wider variety of users and the impact will be amplified due to its proposed location. She considers that the vegetation makes an important contribution to both residential amenity and biodiversity, stating that its removal would result in loss of privacy, increased overlooking, increased awareness of public activity, greater transmission of noise and loss of the established rural setting and that replacement planting, even if proposed, would require many years before providing equivalent screening or replicating the ecological value of established vegetation. The vegetation provides nesting opportunities for birds, habitat connectivity, shelter for mammals, food sources for insects, protection of soil structure and contribution to local biodiversity.

77. Mrs Plucknett submits that the evidence before the Secretary of State does not demonstrate why the route cannot be repositioned, why the working corridor cannot be

reduced, why vegetation cannot be retained or whether less environmentally damaging options have been properly evaluated. She also considers that the current proposal conflicts with the objectives of the National Planning Policy Framework together with the environmental policies of the West Oxfordshire Local Plan unless the removal of the vegetation can be shown to be unavoidable.

78. Should approval be granted, Mrs Plucknett asks that conditions require maximum retention of existing vegetation, substantial native replacement planting before any clearance occurs, long-term ecological management, protection of retained vegetation during construction and continued maintenance of the landscape buffer. She does not consider that NR has demonstrated that the proposed vegetation removal is necessary or proportionate and why less environmentally harmful alternatives have not been adopted.

NR's Response

79. NR responded in an e-mail of 10 July 2026 and a direct response to Mrs Plucknett dated 27 July 2026. NR acknowledges that as part of the informal engagement prior to the November 2025 consultation discussions took place with Tackley residents and that the bridleway was wrongly described to some residents as to be located to the south of the hedge along the present informal route used due to the obstruction of the existing footpath but NR considered that subsequent correspondence had clarified the position. NR confirmed that, whilst the November 2025 consultation documents did not make reference to the hedge, they did explain that part of Footpath 379/16/20 would be redesignated as a bridleway and the accompanying plans showed the existing footpath along the property boundaries. NR explains that, in any event, the hedge is on the route of and is an obstruction to the existing footpath and could be required to be lopped or cut by the Local Highway Authority pursuant to section 154 of the Highways Act 1980.

80. Were the hedge to be retained, a new bridleway would need to be created to the south of it and the existing footpath stopped up and NR states that this would result in additional adverse effects on the landowner to the south of the hedge (Tackley Estate) with a greater width of their land being subject to the new highway, thus reducing the landowner's ability to use, manage and derive value from their property. It would also result in two parallel highways running in close proximity to each other (the existing footpath and the new bridleway). NR highlights that, under the Act, it is required to minimise adverse impacts on landowners, hence the route of the bridleway being aligned to replace the existing footpath. The width of the bridleway has been prescribed by the Local Highway Authority as the minimum necessary to accommodate users and the working area to facilitate its construction is the minimum necessary to enable the works to take place and will be reinstated following completion of the works.

81. In response to Mrs Plucknett's concerns regarding conflicts with objectives of the National Planning Policy Framework and the environmental policies of West Oxfordshire Local Plan, NR states that the environmental effects of the proposed vegetation removal have been assessed as part of the application and appropriate mitigation and compensation measures have been incorporated into the design; the Scheme providing for replacement habitat and landscaping in accordance with applicable statutory and policy requirements ensuring that the ecological effects of the proposal are appropriately addressed. NR further states that ecological protection and enhancement measures, including precautionary working methods, habitat and hedgerow protection and ecological enhancement where appropriate are secured through the ecology related conditions (in particular condition 5) listed at Appendix A of the Planning Statement accompanying the request for deemed planning (condition 5 of the planning conditions at Annex A to this letter). No objections on the basis that the proposed habitat mitigation and compensation measures are inadequate

or fail to comply with relevant planning policy requirements have been raised by relevant statutory consultees or the Local Planning Authority.

82. As for the impact on residential amenity, loss of established vegetation and harm to landscape character, NR accepts Mrs Plucknett's concerns but points out that the hedgerow is not located on the land of residential properties that benefit from that screening. Retaining the hedgerow would increase the extent of land affected by the Scheme and further constrain the landowner's ability to use, manage and derive value from their property. There would be nothing preventing the landowner from removing the hedgerow independently of the Scheme. The Local Highway Authority could also require the lopping or cutting of the hedge to prevent the obstruction of the existing footpath so any benefit from the hedge is temporary and contingent. NR states that it has nevertheless been discussing potential alternative screening measures with residents outside the scope of the Order, including replacement planting and other boundary treatments within their own landholdings where appropriate.

The Secretary of State's Conclusion

83. The Secretary of State has considered the concerns raised by Mrs Plucknett and NR's response. She acknowledges the impacts that the removal of the boundary vegetation will have on Mrs Plucknett's property and other properties benefitting from the screening and that NR's consultation on this matter could have been clearer. However, she also notes that the hedgerow is located on land owned by a third party, that it is necessary to remove the hedge to widen the existing footpath and redesignate it as bridleway and that retention of the hedge would increase the land affected by the Scheme and have a greater impact on Mr Peake's use of the land. The Secretary of State notes that NR is seeking to minimise this impact. Furthermore, she notes that Mr Peake could, at any time, remove the hedgerow or the Local Highway Authority could require its lopping or cutting to prevent obstruction to the existing footpath. The Secretary of State is content that the environmental effects of the vegetation removal have been appropriately assessed with suitable mitigation measures incorporated into the Scheme and secured through the proposed planning conditions and notes that no objection was raised by the Local Planning Authority or statutory consultees in this respect. As detailed at paragraph 52 above, the Secretary of State is content that NR has adequately considered this matter and has selected the most suitable alternative to provide the required width for the bridleway whilst minimising the impacts on the landowner affected and other interested parties.

Mr AJM Crocker and Ms JA Pulaski and Tackley Parish Council

84. Further correspondence was also subsequently received on 8 August 2026 from Mr Crocker and Ms Pulaski and on 28 August 2026 from Tackley Parish Council. Following receipt of the correspondence from Tackley Parish Council, NR stated, in an e-mail dated 9 September 2026, that matters in relation to the width and surfacing of the proposed bridleway were dealt with at the Public Inquiry and are covered in the Inspector's Report (IR 5.96 to 5.98) and matters in relation to the location of the bridleway at the northern edge of the field (on the route of the existing footpath) and the consequential clearance of the hedge have been dealt with in the correspondence subsequent to the 21 May 2025 letter. The Secretary of State has considered the correspondence from Mr Crocker and Ms Pulaski carefully and is content that the matters raised are similar in nature to those raised by Mrs Plucknett and that NR has addressed these matters in its 27 July 2026 response. She has also carefully considered the correspondence from Tackley Parish Council which raises concerns on the proposals for establishing fencing but NR have previously indicated its intention to implement a rural-appropriate stock proof fence; and metalling the surface of the replacement bridleway but NR has indicated the bridleway surface will be similar to that of the existing bridleway (Tackley BR2); as well as the alignment of the bridleway immediately behind properties on

Lime Kiln Road and Chaundy Road which has been considered by NR in its response to Mrs Pluckett's further correspondence. The Secretary of State has also considered the e-mail of 9 September 2026 from NR. She is satisfied that no additional new matters are raised in the correspondence from Tackley Parish Council that have not previously been raised and adequately addressed in NR's response of 27 July 2026, the Inspector's Report and NR's 30 January 2026 summary of consultation correspondence. The Secretary of State is satisfied that she has sufficient information before her to proceed to a decision and, therefore, did not request any further responses on these matters.

The Secretary of State's Overall Conclusion and Decision

85. The Secretary of State has had regard to all matters set out above and in her letter of 21 May 2025 and, for the reasons given, has determined in accordance with section 13(1) of the Act to make the amended Order under sections 1 and 5 of the Act, subject to a number of minor drafting amendments which do not make any substantial change in the proposal such as would require notification to the affected persons under section 13(4) of the Act.

86. With regard to the tests set out in the Ministry of Housing, Communities and Local Government's *'Guidance on the Compulsory Purchase Process'*, she is satisfied that there is a compelling case in the public interest to justify conferring on NR powers for the proposed temporary use in the Order land for the purposes of the Scheme, notes the efforts made by NR in its negotiations and is content that the use of land provided by articles 13 and 14 (now shown as articles 12 and 13) in the Order is necessary for the implementation of the Scheme and provision of the new bridleway and that there are no likely impediments to implementation of the Scheme including with regard to funding. Having regard to the Human Rights Act 1998, the Secretary of State is content that the purposes for which the powers are sought regarding the use of the land are sufficient to justify interfering with the human rights of those with an interest in the land affected.

87. For similar reasons, the Secretary of State has also decided that deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in Annex A to this Decision Letter (and the plans relevant to the conditions set out in Annex B). The National Planning Policy Framework ("NPPF") was updated in August 2026. The Secretary of State has considered the August 2026 version and is satisfied that the changes do not materially affect the assessment of the Scheme or alter her decision. She is satisfied that the conditions proposed to be attached to the deemed planning permission meet the tests set out in paragraph 57 of the December 2024 version of the NPPF (now reflected at DM6 paragraph 1 of the updated NPPF) and are necessary, relevant to planning and the development to be permitted, precise, enforceable and reasonable in all other respects.

88. The Secretary of State has made a number of minor textual amendments to the Order in the interests of clarity, consistency and precision as well as the following modifications, which it is considered do not materially alter the effect of the Order to the point where a new application would be required.

89. The modifications are:

- a. The second paragraph in the preamble which relates to the inquiry, has been retained because the decision is reliant on the Inspector's report even though the application has been revised.
- b. In the preamble, the third paragraph is amended to reflect the further application for the revised proposal.
- c. In the final paragraph of the preamble reference to paragraph 3 of Schedule 1 to the Act in relation to the compulsory acquisition of land is no longer required since the

applicant has confirmed there is no compulsory acquisition of land or rights over land. The vires is therefore not needed and has been removed.

- d. In the final paragraph of the preamble reference to paragraph 17 of Schedule 1 to the Act is removed. This is concerned with the imposition of requirements to obtain the consent of the Secretary of State and there are no such requirements. If the intention had been to cover the certification of documents it is the view of the Secretary of State that this is sufficiently covered by section 5(4)(a)(i) of the Act.
- e. In article 2(1) (interpretation), the definition of “watercourse” has been removed and inserted in article 10 (discharge of water) which contains the sole references to this term,
- f. In article 6(3) (highways subject to redesignation and diversion) has been amended to refer to “definitive map and statement” which is the only relevant term used in relation to the Wildlife and Countryside Act 1981.
- g. In article 9 (creation and maintenance of new highway), paragraph 13 refers to a created highway passing over a scheduled work but there are no scheduled works included in the Order. This paragraph has therefore been removed.
- h. Article 12 (application of the 1981 Act) sets out an inoperative provision in that the Order contains no provision for compulsory purchase. There is no precedent for such a provision and so has been removed.
- i. In article 14 now article 13 (Temporary use of land for development), paragraph (1)(a)(ii) is removed. This is usually constrained by reference to the provisions contained in the schedule detailing the land to be acquired but there is no such schedule here. Without the reference to the schedule detailing the land to be acquired the Secretary of State considers the drafting is too wide and any affected landowner may not be aware if they are affected. It consequently means that paragraph 3(b) also needs to be removed.

Notice of Determination

90. This letter constitutes the Secretary of State’s notice of her determination to make the Order, with modifications, for the purposes of section 14(1)(a) and section 14(2) of the Act. Your client is required to publish a notice of the Secretary of State’s determination in accordance with section 14(4) of the Act.

Challenges to the Decision

91. The circumstances in which the Secretary of State’s decision may be challenged are set out in the note at Annex C to this letter.

Distribution

92. Copies of this letter are being sent to those who appeared at the Inquiry and to all statutory objectors whose objections were referred to the Inquiry under section 11(3) of the Act, but who did not appear.

Yours sincerely,

Natasha Kopala

ANNEX A

PLANNING CONDITIONS

Interpretation

In the following conditions-

“the development” means the development authorised by the Order;

“the local planning authority” means West Oxfordshire District Council;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means the Network Rail (Tackley Level Crossing) Order 2026;

“WOLP” means West Oxfordshire Local Plan 2031 (adopted September 2018);

“LTCP” means Oxfordshire County Council’s Local Transport and Connectivity Plan 2022 – 2050 (adopted July 2022);

“NPPF” means National Planning Policy Framework (December 2024).

1. TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

The development hereby permitted must commence before the expiration of five years from the date that the Order comes into force.

Reason: *To ensure that development is commenced within a reasonable period of time.*

2. APPROVED PLANS

The development must be carried out in accordance with the following plans unless otherwise approved in writing by the local planning authority (LPA):

- Route D Bridleway Alignment Plan

- Route D Long Section & Cross Sections
- Fencing and Gate Details (BS5709:2018)

Reason: *To ensure that the development is carried out in accordance with the consented design or such other design details as have been subjected to reasonable and proper controls.*

3. BRIDLEWAY SURFACING

The bridleway shall be a consolidated granular surface.

Reason: *To ensure provision of safe, accessible, high quality public rights of way suitable for all users and consistent with local landscape character, in accordance with Policies T1 (Sustainable Transport), OS4 (High Quality Design) of the WOLP, Policy 5 (Public Rights of Way) of the LTCP and Chapter 9 (Promoting Sustainable Transport) of the NPPF.*

4. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

A CEMP must be submitted to and approved by the LPA prior to commencement, including

- site access arrangements (Old Whitehill underpass);
- construction traffic routing and controls;
- dust, noise and lighting mitigation; and
- ecological safeguards.

Reason: *To mitigate expected construction impacts arising from the development and to protect local and residential amenity and to ensure the development is carried out in accordance with Policies OS4 (Design), OS3 (Natural Resources), EH2 (Biodiversity), T1 (Transport) of the WOLP.*

5. ECOLOGY PROTECTION AND ENHANCEMENT DETAILS

Prior to the commencement of development, including any vegetation clearance or ground works, details of the measures to be implemented to protect and, where appropriate, enhance ecology shall be submitted to and approved in writing by the LPA.

The submitted details shall be informed by and consistent with:

- the approved plans and drawings, and

- the recommendations set out in the Preliminary Ecological Appraisal (PEA) dated October 2025 (Keystone Ecology, Rev 4).

The details shall include, as a minimum:

- precautionary working methods to avoid harm to protected and notable species identified in the PEA;
- measures for the protection and retention of existing habitats, trees and hedgerows during construction;
- details of any hedgerow protection, removal or enhancement measures, including replacement planting where applicable; and
- arrangements for ecological supervision where required.

The development shall thereafter be carried out in accordance with the approved details.

Reason: *To ensure that the development avoids harm to biodiversity and secures appropriate ecological protection and enhancement measures, in accordance with Policy EH3 (Biodiversity) of the West Oxfordshire Local Plan 2031 and Chapter 15 of the National Planning Policy Framework.*

6. LANDSCAPE MAINTENANCE AND REPLACEMENT

All planting, seeding or hedgerow works forming part of the approved development shall be maintained for a period of five years from the date of completion of the development.

Any trees, shrubs or hedgerow plants which die, are removed or become seriously damaged or diseased during this five-year period shall be replaced in the next available planting season with others of similar size and species, unless otherwise agreed in writing by the LPA.

Reason: *To ensure the successful establishment of planting and the long-term enhancement of the landscape and biodiversity value of the site, in accordance with Policies EH2 (Landscape Character), EH3 (Biodiversity) and OS4 (High Quality Design) of the West Oxfordshire Local Plan 2031 and Chapter 15 of the National Planning Policy Framework.*

7. UNEXPECTED CONTAMINATED LAND

Where significant A* unexpected contamination is encountered, the LPA must be notified in writing immediately and where agreed as necessary operations on the affected part of the site must cease. A Remediation Statement must be submitted to,

and approved in writing by, the LPA prior to any remediation works which must thereafter be carried out in accordance with the approved Statement.

Reason: *To ensure that the presence of unexpected contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use in accordance with Policy EH6 (Environmental Protection) of the WOLP and Chapter 15 (Ground Conditions & Pollution) of the NPPF.*

8. APPROVAL AND IMPLEMENTATION UNDER THESE CONDITIONS

Where under any of these conditions the approval or agreement of the LPA is required, that approval or agreement must be given in writing. The development must be carried out in accordance with any such approval or agreement, or any subsequent revisions that have been submitted, and approved by, the LPA.

Reason: *To provide for certainty in the approvals and implementation processes and in the interests of proper planning.*

ANNEX B

PLANNING DRAWINGS TO ACCOMPANY THE DIRECTION FOR DEEMED PLANNING PERMISSION

- Tackley Bridleway Diversion North, South & Maintenance Gate Details, 160474-MOS-OXF-DCL-DRG-ECV-210301, P04.1 (This plan has now been updated and is referenced as 160474-MOS-OXF-DCL-DRG-ECV-210301, P07)
- Section B – Mid-Bridleway

ANNEX C

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TRANSPORT AND WORKS ACT 1992 (“the Act”)

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, because—

- it is not within the powers of the Act; or
- any requirement imposed by or under the Act has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 6 weeks beginning with the day after the day on which notice of this determination is published online as required by section 14(1)(b) of the Act.

A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.