

The Trap Ground Allotment Association
23 Chalfont Road,
Oxford
OX2 6TL

28th January 2010.

The Secretary of State for Transport
c/o The Transport and Works Act Orders Unit
Department of Transport
Zone 1/31
Great Minster House
7 Marsham Street
London SW1P 4DR

**Re: The Transport and Works Act 1992
The Transport and Works (Applications and Objections Procedure) (England and Wales)
Rules 2006
Proposed Chiltern Railways (Bicester to Oxford Improvements) Order.**

Dear Sir,

I am writing on behalf of the members of the Trap Ground Allotment Association to object formally to the above Application dated 6th January 2010. This is not an objection to the project as a whole, but to the powers sought by article 17 of, and Part 1 of Schedule 9 to, the draft Order to close the accommodation crossing at Aristotle Lane.

Please note that while Rule 15 notices have been served on four individuals as trustees of the Trap Ground Allotment Association, three of those individuals are no longer trustees and the business of the Association is in practice conducted through its committee of which I am the chair. The Committee pays rent to the City Council, the freeholder, for the Trap Ground Allotment land. The Committee is affected by the proposals both as a tenant/occupier of some of the land required for the scheme, and because the members of the Association would be affected by the closure of the crossing. We would request that a public inquiry be held.

On 8th May 2009 we submitted a case for keeping open the level crossing at Aristotle Lane, Oxford, to Ardent Management Limited, as requested by their Director acting for Chiltern Railways, and I append this by way of amplification of our position. Our formal objections below include some of the material submitted in this earlier document.

Our objection concerns (a) the closure of the level crossing, and (b) the proposed mitigation measures.

In summary:

(a) The closure of the level crossing.

(i) This is unnecessary on safety grounds and

(ii) Its effect would significantly prejudice the use of the allotments.

(b) The proposed mitigation measures.

(i) These are uncertain in the absence of detailed plans

(ii) They would not provide a reasonably convenient alternative and

(iii) The effect they would have on the land over which the mitigation measures are to be provided is unacceptable to the allotment members and the wider community in Oxford.

To enlarge on these:

(a) The Closure.

(i) Safety.

There has been a crossing here since the 19th century when two further lines ran in the area designated for the proposed single additional line.

The crossing is not used by the general public, being restricted to allotment users.

There has never been an accident involving allotment users, members being familiar with it and the need to exercise due caution.

The sight lines are very good and train warnings punctiliously observed.

Allotment members are reminded in twice-yearly newsletters and elsewhere to observe strict safety procedures.

Additional safety mechanisms could be installed e.g. warning lights, gates and a keypad lock.

(ii) Prejudice to allotment use.

The current access is appropriate to allotment use being level and short. None of the alternatives provides this.

The proposed alternative bridge path does not provide this convenient and level route.

The bridge path is steep, narrow, crowded, prone to flooding, so preventing access to the allotments, and the route is considerably further from the proposed replacement car park.

(b) Proposed Mitigation Measures.

(i) Absence of detailed plans.

By virtue of Art 17(2) and Part 1 of Schedule 9 to the draft Order, the Aristotle Lane crossing could not be closed until the accommodation facility specified in relation to it in column (4) of the Schedule has been provided. While the application for the Order mentions two elements of mitigation (improvements to the bridleway bridge and to provide a new bridge link into the allotments and vehicular access over Port Meadow) there is no mention of the latter in column

(4) of Part 1 of Schedule 9, and the former is not described in any detail: it is unreasonable to ask for approval for the scheme in the absence of clarity as to what would need to be in place before the crossing could close.

(ii) failure to provide a reasonably convenient alternative:

Chiltern Railways have made some suggestions outside the Transport Works Act application; these will need modification before they are acceptable as even a partial mitigation. They do not address the main requirement of level access.

(iii) Effect on land over which mitigation measures would be provided:

Within the application Chiltern Railways propose to acquire rights 'to provide a means of vehicular access for the benefit of the owners and occupiers of land affected by the closure of Aristotle Lane Crossing.' It is extremely unlikely that such rights would be granted because of the effect they would have on Port Meadow.

Vehicular access across Port Meadow has always been restricted to essential bulk loads. Cars have been considered unacceptable in this public space and Site of Special Scientific Interest. There is even less likelihood that alternative allotment car parking would be allowed on the meadow without which enhanced vehicular access would be of no benefit.

For the reasons given we submit that the closure of the level crossing is not necessary on grounds of safety, that mitigating measures are imprecise and unsatisfactory, and that the closure of the crossing would seriously impair the working of an allotment site which currently meets the needs of a large and active segment of the local community. The allotments currently provide benefits to the local community which include: good fresh vegetables, grown economically in a sustainable and environmentally friendly manner, local to the point of need, without the need for high carbon footprint transport; a pleasurable pastime for the 120 or so plot-holders and their friends and family; and the associated health benefits both from the exercise of running an allotment, and eating the produce.

Yours faithfully,

Tony Hollander, Chairman of the Trap Ground Allotment Association Committee.

Attached:

Case for retention of the crossing submitted to Chiltern Railways on 8 May 2009

TRAP GROUND ALLOTMENT ASSOCIATION
23 Chalfont Road,
Oxford.
OX2 6TL

Response to Consultation on the proposal by Chiltern Railways to close the existing Aristotle Lane Level Crossing as part of the construction of the proposed new line to Bicester and London.

The Trap Ground Allotment Association considers that, for the reasons outlined below,

- a) the existing crossing should be retained for use by members of the allotment association;
- b) a new crossing should be provided over the proposed new line; and
- c) the two crossings should be separated by a gated waiting area, and be protected by eg a predictor miniature stop light warning system.

It is understood that such arrangements may not technically fully comply with Railway Safety Standards. However in view of the lack of an acceptable alternative it is not reasonably practicable to comply with RSS in full. This proposal reduces the risks involved so that they are as low as reasonably practicable and we would suggest that any necessary derogations should be sought to permit it.

The existing crossing

1. Its use by members.

The level crossing has been used by members of the TGAA for at least fifty years. It gives the nearest and most direct route to the allotment site from Aristotle Lane, the approach for the great majority of the association's members. Readily accessible by cars, it provides a convenient point from which to transport small loads. Being more or less level, its convenience is also that loads are carried easily. There has never been an accident on this crossing.

2. Its character and features.

The crossing is within a mile of Oxford Station so most trains are accelerating away from the station or slowing down to reach it, i.e. not at full speed. A few yards beyond the crossing both on the up-line and the down-line, there are sidings where trains wait to move on in both directions, so these too will be moving slowly. A few hundred yards up-line the junction to Bicester also reduces train speeds to and

from this line.

The crossing lies on a slight curve of the main line, concave to the west where sight lines are restricted compared to the eastern approach where sight lines are extensive. In recent years the crossing has been decked making its use trouble-free for pedestrians and wheeled vehicles like wheel barrows.

Metal guide fences help indicate approach lines from each side.

Without knowing the precise number of trains passing through or their precise speeds, it is nevertheless estimated that the average daily sum of trains occupies the track at the crossing for not more than ten or maybe fifteen minutes. For most of the day it is evident that the track is empty of trains and safe to cross.

3. Safety measures.

Sight lines are good, about a mile in each direction from the east and slightly less from the west.

Trains of average speed take about thirty seconds to arrive at the crossing from where they can be seen in either direction.

Train drivers are punctilious about hooting as they approach the crossing, mostly giving warning before they are within sight.

Normal pedestrian walking allows one to cross the three lines in about six seconds.

Wheelbarrows hardly take any longer.

The very few fast goods trains passing through Oxford without stopping give slightly less approach time but have never been a problem to crossing users.

The TGAA website, the spring and autumn newsletters, and our meetings are used to remind members of the need for safety precautions when using the crossing, it being emphasised that train drivers need to see long distances of completely clear track to feel safe in their work.

Notwithstanding the last observation in section 2. above, the element of uncertainty when crossing railway lines could be reduced by installing warning lights and/or sounds on each side to alert people to the approach of trains.

The new crossing

It appears that the new Chiltern Railways line will be built on the gravel track east of existing lines with a space of several yards separating them, and that the intention is to run four trains each hour on this new line and its immediate existing neighbour.

Given the close proximity of the junction to the Bicester Line, the speed of these trains will be less than maximum as they negotiate this part of the track.

A separate crossing of this new line would offer a safe access to the main level crossing, with adequate safe ground between the lines on which a gated waiting area could be sited. Once again, the element of uncertainty when crossing railway lines could be reduced by installing warning lights and/or sounds on each side to alert people to the approach of trains.

Possible alternatives

1. The Aristotle Lane Bridge.

On previous occasions when closure of the crossing was considered it has been argued that the bridge offers a suitable alternative access to the allotments.

The TGAA's opposition to this, hitherto supported by Oxford City Council's Members, has rested on the following considerations:

The distance from cars to the site's entrance is about eight times as far. To most plots it will be much further as the Port Meadow gate is in the SW corner of the site.

The slope to and from the bridge is a serious obstacle to hand transport of heavy loads of fertilizer, produce, shed materials and so on.

Paths on each side of the bridge are narrow, muddy, slippery, dog-fouled, overgrown and often crowded, this being the main route to the meadow for a large segment of the local population, particularly at week ends.

Cyclists and occasional horses add to the traffic hazards of the paths.

During winter floods the western approach to the bridge is unusable, some members of the public having used the allotment route as an unofficial alternative access to the meadow.

The City Council has this year fenced the allotment site and provided locked gates, so this alternative route is no longer available to the public.

Attempts to raise the level of the western end of the bridge path have so far proved ineffective.

Any improvements to the bridge to make it wider/easier to negotiate/less steep or to correct the flooding problem are likely to be a) difficult to achieve without taking in a significant area of extra land; and b) unacceptable on aesthetic grounds in view of the sensitivity of the bridge's situation as the gateway to Port Meadow.

2. Other Alternatives.

Network Rail Officers have proposed that the allotment site is approached across Port Meadow from Walton Well Road to provide vehicular access. This is used by TGAA for deliveries of heavy loads for our shop, machinery, or bulky items like skips, manure and hardcore for paths.

Such traffic is restricted and minimised, the meadow's status as a SSSI and a natural recreational area being respected by the community as a whole.

The distance involved in this proposal would be unacceptable for the allotments' effective use.

It is, in any case, most unlikely to be approved by the City Council, given the meadow's importance in the life and history of Oxford.