

REPRESENTATIONS IN REPOSE TO PUBLIC CONSULTATION

- We were given firm assurances that the impact of this development on our quality of life would be lessened by a number of mitigation measures including at source noise mitigation, restrictions on the number and speed of trains that would use the line, and monitoring of noise and vibration.
- In March 2015 at a meeting Network Rail made a clear commitment to use rail damping and assured everyone present that they had the funds available - they are now claiming that these funds are no longer in place.
- Network Rail now claims that the funds for these measures no longer exist. This is a case of putting profit before people. Network rail and its managers and other associated people stand to gain hugely both corporately and personally by saving money on the well-being health and quality of life of residents only to enhance contents of their wallets.
- We understand the need for new infrastructure but we believe that Network Rail has a moral responsibility and should be made to hold to those previous commitments.
- We implore the City Council to reinstate the noise and vibration monitoring and to insist on the best possible rail damping measures and enforce the restriction on the number and speed of train using the line especially at night as agreed in June 2015 at the West Area Planning Committee.
- At source mitigation of noise and vibration, monitoring, and restricting the numbers of trains are essential safeguards to the amenity of local residents.
- Network Rail should not be permitted to renege on previously agreed conditions, which led to the original application being granted.
- If the application is approved it sends a strong signal that the Council is not prepared to stand up for the interests and rights of their citizens against the overbearing and essentially devious tactics of large organisations trying to evade their public responsibilities.
- Promises about vegetation have been broken: reinstating trees and bushes would have been a good screen for those affected and would have helped with diesel pollution.
- This whole process is very upsetting: the rail companies are relying on people giving up. It has made me believe that I am not living in a truly democratic country where the views and rights of individuals and communities are important. Corporate voices hold sway. Nobody seems to have listened. The companies involved have done as they pleased.

- Children attending St Phillips and St James School will be affected if these mitigation measures are not installed. The learning environment will be badly affected. There are concerns for the well-being of pupils at the Wolvercote Primary School and for the physical structure of the school itself.
- There has been an increase in noise during the recent testing of trains. If the additional ground borne noise is due to an increase in vibration this is contrary to the assurances given throughout the planning process that vibration would be at worst the same as experienced with the older track. This brings into question the reliability of any of the modelling that was submitted.
- Mitigation should be based on the numbers of trains now forecast to be using this track and take account of future increases: the current mitigation is based on outdated train numbers and types. **The City Council needs to enforce the CRN Statutory Instrument.**
- Alternatively network rail should be applying for a variation to the TWA Order now that the capacity of the line has materially increased with enhanced outputs and mitigation that is woefully inadequate
- The trickle vent provided as part of the installation package is inadequate to provide ventilation to bedrooms effectively - this means that we have no noise mitigation unless rail dampers are provided
- Through the East West Rail Consortium the City Council would have known that the Environmental Statement and the predicted number of trains is out of date and materially different and that the effects of this could have significant environmental impact.
- Under the Habitats Regulations an Appropriate Assessment may need to be undertaken.
- It is important that as there has been a change from the core East-West rail project to an enhanced one, the additional effects are assessed.
- Building Castle Mill has already increased noise for residents with the reflection of sound from that building.
- If rail damping has to be retrofitted the cost will be much higher, it is a false economy to choose not to install rail damping at this stage.
- The long-term cost to hundreds of residence due to rail noise and locomotive noise from very large volumes of passenger and freight traffic running day and night is the potential loss of the enjoyment of their properties including loss of sleep at night plus interruption of daytime use of gardens and damage due to vibration.
- If Network Rail increases the number of predicted trains it will increase noise and vibration - the matter should be referred to the Secretary of State: it is not

for Network Rail or the City Council to allow any erosion of the protection for Oxford residents - if necessary the matter should go back to public inquiry.

- The Council should call a halt to all works on the project until Network Rail accepts the conditions already imposed upon them. It is incumbent on the Secretary of State and Oxford City Council to stand by the decisions they have already made and for Network Rail to accept them.
- Trap Ground allotment holders have also noticed the negative effects of the current works on biodiversity.
- What is the point of consultation and agreements with the Council if afterwards it is possible to ignore the whole process. This is yet another example of a large company trying to renege on agreements made in order to reduce cost at the expense of the welfare of local residents.
- Why should there be opposition to an objective method of recording the impact of the new resumed rail traffic? Scientific monitoring will provide good answers to subsequent questions
- There is reason to believe that the costs have been exaggerated by Network Rail and must be set up alongside the entire cost of this entire exercise to arrive at a balanced view
- Noise and vibration have a great impact upon emotional and physical health and therefore all available steps should be considered when assessing this application
- Network Rail should expect no special treatment should they ignore conditions attached to the grant of planning permission. A variety of sanctions are available and the local authority is able for example to seek an injunction to promote and protect the interests of inhabitants of the city
- This gives the appearance of extreme cynicism on part of Network Rail. Promise whatever you like in the initial stages and then when the public opposition has died down and all have become exhausted, change the rules of the game by claiming that what was agreed to initially is now unreasonable
- It is paramount that a high quality modern quiet railway is built and not something unfitting for the 21st century
- All residents support in principle the enhancement of transport services in this country but it would be an absolute travesty of fairness to allow for this to happen at the expense of the unfortunate few who lived by the track side and for the benefit of those few who happened to put themselves in position of responsibility and advantage in respect of this project. The company as a whole and the individuals involved in improving the decision ought to be prepared for their actions and choices to be subjected to detailed critical examination in the media

- If Network Rail is successful then the whole planning process has been a huge waste of taxpayers time and money
- An additional condition is required stating that the thresholds for noise and vibration which must not be exceeded should remain in force in perpetuity
- Whatever the Council's noise monitoring equipment shows, that it is likely that day and all night time noise threshold is exceeded at one or more locations.
- An additional condition is required stating that NR will, within three months, conduct noise monitoring of operating trains and if the threshold has been exceeded NR will discuss with the Council what further mitigation will be provided and NR will immediately impose a speed restriction on the line until such time as an effective solution is implemented
- Assumptions have been made about the speeds and times of trains with the sole purpose of bringing vibration predictions to just within the threshold which residents know to be false from previous experience of trains using the line
- There is evidence that the predictions underestimate future train services:
 - Oxford Parkway opened more Chiltern Railways passenger trains operated than used that was used in the predictions
 - more Chiltern Railways passenger trains will operate when the line becomes operational than provided for in the predictions;
 - Network Rail enhancements delivery plan dated September 2016 still predicts that much higher numbers of trains will use East West Rail than the mitigation is based on
- The train numbers in Transport and Works Act application should be binding on the applicant otherwise Network Rail might be tempted to under estimate future services to gain planning approval and then rely on its permitted development rights to increase capacity
- Only by monitoring noise levels experienced at residential and noise sensitive locations at height of 5 m above ground from operating trains will Network Rail predictions and the effectiveness of mitigation be verified. However at present only the effectiveness of the noise barriers themselves will be measured by comparing the noise from above the top of the barrier with the noise lower down. There are plenty of places along the line with no noise barrier where Network Rail could place noise monitoring equipment to measure the unmitigated noise and compare these with the noise levels at the same height where there are barriers.
- The actual noise experienced by residents will never be measured and the predictions in noise scheme of assessment and the environmental statement will not be verified
- Internationally recent events have shown an upsurge in popular discontent with large powerful organisations riding roughshod over small people who

want to be heard and understood rather than have their views and interests trampled. The Council must be tough with Network Rail and see that it delivers on the conditions placed upon it anything less this is unacceptable and leads to a justified lack of trust in the systems are set up to protect the public

- The government has confirmed that local planning authorities have broad powers to impose conditions and enforce where they consider that conditions have been breached. Oxford City Council should use its powers and uphold the rule of law by rejecting network rails applications.
- The benefit cost ratio for the entire project was considered at the public inquiry and included the cost of installation of the various mitigations offered. Network Rail is using a method where the benefit cost ratio is estimated for silent track only when it is applied as the last of the mitigations instead of sticking to the method laid down in the Transport and Works Act Order where it should have been applied as the first of the mitigation. In a project of this size the cost of SilentTrack is trivial.
- Network Rail's benefit cost ratio figures lack a clear methodology and appear to have been hastily compiled. They reveal a number of significant contradictions. There is no explanation for discrepancies: the change from 0.36 to 0.24 in route section H; and the figure of 0.57 in route section I/1 which is 2.4 times the value for section H. Network Rail is clearly trying to inflate the costs and understate the effectiveness of silence track. Its calculations are wholly unreliable.
- It is absolutely imperative that the future train numbers supplied by NR in the Noise and Vibration Schemes of Assessment are adhered to. The calculations of vibration in particular are critically dependent upon the speed, number and types of train (because the DVD is cumulative and therefore increases with the total number of trains) By seeking to increase the number of trains while not also considering its effects on the vibration and noise schemes of assessment is clear abuse of process
- Concerns that if Network Rail were to win an appeal it might impose costs on the Council is not a good reason to cave in to the bullying and devious behaviour of Network Rail. The Council should stand up for residents interests
- It is important that the impacts to which residents homes will be subjected in future is monitored. At the moment the noise impacts at residents homes are hypothetical yet it is on those figures alone that the required mitigation has been decided
- None of this would have been necessary if Network Rail had agreed to have trains going slowly through Oxford.
- It is not reasonable to bombard a local government office with more appeals, submissions and requests than can easily be managed with available resources. This is a recognised tactic among lawyers and should not be allowed to overturn the rulings of local government.

- Network Rail should not be allowed to use the railway while blatantly ignoring condition 19.
- The conditions that the Council would like to impose do not appear to meet the legal standards required of planning conditions. The Secretary of State has dealt us a very bad deal in saying we could determine the planning permission without adequate powers to insist on anything that does not meet the basic condition of just mitigating the noise by a certain amount.
- It is the council's legal obligation to take enforcement action where any developer including companies like Network Rail, has not complied with any condition attached to planning permission: And that failure to do so leaves the council open to complaint to the local government ombudsman
- Removing these conditions is a total disregard for democracy and we might as well not have a planning process