

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
THE NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER
SUMMARY PROOF OF EVIDENCE – LAND ACQUISITION
PROOF OF NIGEL BILLINGSLEY

21 May 2024

1. INTRODUCTION

- 1.1 My name is Nigel Billingsley I am a partner at Bruton Knowles Limited,
- 1.2 I am a member of The Royal Institute of Chartered Surveyors and the Compulsory Purchase Association.
- 1.3 I advise a range of public sector and utility clients across the area regarding TWAO, CPO and DCO projects and am familiar with the legislative requirements for the development of such orders.

2. INVOLEMENT WITH THE SCHEME AND STRUCTURE OF THIS PROOF

- 2.1 Bruton Knowles are instructed by Network Rail to provide land agency support to the project.

3. THE SCHEME

- 3.1 Network Rail is proposing to close the level crossing at Tackley station. The process of this includes the stopping up of an existing bridleway, creation a new bridleway and construction of a new footbridge.

4. LAND THAT IS INCLUDED IN THE ORDER AND POWERS SOUGHT

- 4.1 The majority of land required for the Scheme is owned by Network Rail however additional land and rights are required from private owners.
- 4.2 The powers sought in the draft Order in relation to land fall into the following categories:
- a. Power to permanently acquire land;
 - b. power to acquire new rights; and
 - c. temporary use of land in connection with the development.
- 4.3 The land which is intended to be used for the construction, operation and maintenance of the Scheme is identified on the and Land and Rights of Plan **[APP09]** submitted with Network Rail's application for the Order, in the draft Order **[APP02]** and in the Book of Reference **[APP08]**.
- 4.4 A summary of land rights sought is set out in the table below;

Power Sought	Plot
Land To Be Permanently Acquired	005,006,008,010
Land to be used Temporarily	001,003,003a,003b,004,007,009,012

4.5 All areas of land subject to powers in the draft Order are necessary for the Scheme and no land will be used temporarily unless essential to facilitate the Scheme.

5. JUSTIFICATION FOR THE ACQUISITION OF RIGHTS AND USE OF THE LAND AND RIGHTS

5.1 Paragraph 8.8 of Network Rail's Statement of Case notes that Network Rail will be seeking permanent acquisition of rights only and not permanent acquisition of land for the construction of the New Bridleway. Following further consideration of the likely preferences of the highway authority, it has determined that Network Rail will be seeking to permanently acquire the land of the route of the New Bridleway

5.2 The table at paragraph 8.12 of the Statement of Case setting out the plots over which temporary use powers are sought includes Plot 005. This is an erroneous reference and has been corrected below.

Permanent acquisition of land

5.3 Powers to permanently acquire land included in the draft Order are limited to the plots listed below:

Purpose	Plots
New Bridleway	005, 006, 008, 010

Temporary use of land for construction purposes

5.4 Powers to use land temporarily for the purposes of construction are included in the draft Order as listed below:

Purpose	Plots
Construction of Footbridge	001
Construction of Bridleway	004, 007

Temporary use of land for access purposes

5.5 The Scope of the draft Order includes the rights for temporary possession for access purposes as set out in the table below:

Purpose	Plots
Access for worksite and construction compound	001
Access for worksite, construction compound and delivery of materials	003, 003a, 003b, 009
Access for worksite and construction	004, 007

Access for worksite, construction compound, construction and delivery of materials	0011, 0012
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5.6 The powers over land sought in the proposed Order have been limited so far as possible to ensure that they are only those necessary for the requirements of the Scheme.

6. IMPACT ON THE CURRENT OWNERS AND OCCUPIERS

6.1 Network Rail has aimed to minimise the use of private land and publicly owned land (including that owned by Network Rail) has been prioritised for use.

7. PROVISIONS FOR OWNERS OF AN INTEREST TO CLAIM COMPENSATION

7.1 Where Network Rail's activities impact upon private land and rights as a result of the exercise of powers contained within the proposed Order, the Order provides for compensation to be paid to the landowners. Where land is taken temporarily, Article 16(5) provides for the payment of compensation. Article 13 of the draft Order brings in the *Acquisition of Land Act 1981* and the *Compulsory Purchase Act 1965* which have the effect of allowing claimants to seek compensation.

8. SUMMARY OF LANDOWNER ENGAGEMENT

9.1 Network Rail has engaged with all landowners, occupiers and other property interest holders affected by the Order. Offers of engagement have been made to all parties.

9.2 A summary of negotiations are described below:

Andrew Charles Peake

9.3 Andrew Charles Peake (**Mr Peake**) is the freehold owner of Plots 001, 003, 003A, 003B, 006, 007, 008, 009, 010 and 012, which form part of the Tackley Estate.

9.4 Discussions with Mr Peake and his representative have been ongoing since May 2022, and they continue to date with further proposals being considered by Mr Peake's Agent.

9.5 Mr Peake's Statement of Case contains two points that sit within the scope of my evidence, being the second ground of objection (The application's effects on the Old Whitehill underpass) and the fourth ground of objection (The Heads of Terms).

9.6 In summary, the second ground of objection relates to a concern regarding the ability of the estate to drive agricultural machinery under the railway at Whitehill underpass after the Scheme has been built.

9.7 In summary, the fourth ground of objection is that the heads of terms of agreement are not acceptable to Mr Peake.

9.8 In response the second ground of objection, Network Rail have produced a plan showing the design for the road height which will not prejudice its use by the Tackley Estate.

9.9 In response to the fourth ground, it is noted that negotiations are ongoing with a view to agreeing heads of terms.

Anthony John Mark Crocker and Janina Anna Pulaski

9.10 Anthony John Mark Crocker (**Mr Crocker**) and Janina Anna Pulaski (**Ms Pulaski**) are the freehold owners of Plots 004 and 005. The Order would allow for Plot 005 to be redesignated as bridleway and Plot 004 to be used temporarily.

9.11 Mr Crocker and Ms Pulaski have not appointed a land agent with contact being directly with Mr Crocker. Engagement has been ongoing since 16th December 2022. As at the date of this Proof, negotiations with Mr Crocker and Ms Pulaski are ongoing but there is a verbal agreement between the parties with formal documentation being prepared.

Oxfordshire County Council (OCC)

9.1 Network Rail have been in discussion with OCC Highways for several years on the matter of closing the level crossing and diverting the Bridleway.

Holders of subsidiary land interests

9.2 A number of objections have been put forward by those who are listed in the Book of Reference as having rights only within the wider titles of land that is within the Order.

9.3 The rights holders have been contacted by Bruton Knowles and are listed below;

Guy Roberts

Helen Spencer

Jane Collier

Kay Chacksfield

Gillian Withers

10. CONSIDERATION OF OUTSTANDING OBJECTIONS

10.1 In this section I summarise and respond to objections lodged in relation to the Order, so far as those objections relate to matters within my expertise and remain outstanding at the date of this Proof.

10.2 The objectors fall into in two categories:

- a. those with freehold interests in the Order Land; and
- b. those with rights in or over the Order Land,

10.3 the following table sets out the different category of objector.

Objection/Objector	Interest
OBJ/70 Andrew Charles Peake	Freehold owner of Order Land
OBJ/62 Anthony Crocker	Freehold owner of Order Land
OBJ/08 Guy Roberts	Rights of access
OBJ/49 Helen Spencer	Rights under a transfer

OBJ/56 Jane Collier	Rights under a transfer
OBJ/61 Kay Chacksfield	Rights of access
OBJ/66 Gillian Withers	Rights under a transfer

9. CONCLUSION

- 11.1 The draft Order has been made in accordance with the relevant guidance which includes a requirement to seek agreement with land and property interest owners.
- 11.2 All land and rights sought are required to deliver the Scheme.
- 11.3 I am satisfied that Network Rail have sought to minimise the impact of the Scheme.
- 11.4 I believe there is a compelling case to justify confirmation of the Order.

10. WITNESS DECLARATION

- 12.1 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 12.2 I believe that facts I have stated in this proof of evidence are true and that the opinions expressed are correct.
- 12.3 I understand my duty to the Inquiry to help with the matters within my expertise and I have complied with that duty.



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NIGEL BILLINGSLEY

Dated: 21 May 2024