

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

THE NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER

SUMMARY PROOF OF EVIDENCE OF JAMES AUDLEY

21 MAY 2024

1. INTRODUCTION

- 1.1 My name is James Audley. I am employed by Network Rail Infrastructure Limited (**Network Rail**) as a Liability Negotiations Advisor. I have worked at Network Rail since 2013, all 11 years of employment with Network Rail have been in the Liability Negotiations department.
- 1.2 Since the above initial meeting, I have been involved with the discussions and engagement events with the principal stakeholders (Tackley Estate, Oxfordshire County Council (**OCC**), Tackley Parish Council (**TPC**), Tackley Local Community and their 'sublet' groups and the British Horse Society (**BHS**)). These discussions and engagement events have varied from site visits in Tackley, email and phone correspondence, online meetings and open evenings and consultation events at Tackley Village Hall.
- 1.3 In my Proof of Evidence for this Public Inquiry, I have covered the following matters;
 - Interactions with Key Stakeholders (Oxfordshire County Council, Tackley Parish Council, the British Horse Society, and the Tackley Estate).
 - Answering Key Objections.

2. INTERACTIONS WITH KEY STAKEHOLDERS (OXFORDSHIRE COUNTY COUNCIL, TACKLEY PARISH COUNCIL, THE BRITISH HORSE SOCIETY, AND THE TACKLEY ESTATE)

- 2.1 During the interactions with OCC, TPC, BHS and the Tackley Estate, a number of key issues were discussed;
 - The various options (also discussed in Mr. Wilson Proof of Evidence) to divert the Existing Bridleway and close the Level Crossing.
 - The route for the diversion of the bridleway.
 - The width, surface, and fencing requirements for the bridleway diversion route.
 - The safety of the Lineside Route and horse-riders in general (discussed in detail in Mr. Lane's Proof of Evidence)
 - Providing updates to key stakeholders.

- 2.2 The detailed correspondence tables within my Proof set out the discussions, engagement and consultation that led to the current scheme being adopted and the Order pursued.

3. ANSWERING KEY OBJECTIONS

- 3.1 Network Rail received a total of 76 objections covering similar topics. In my Proof, I have responded to the following objection themes:
- a) Inadequate consultation by Network Rail;
 - b) Removal of Existing Bridleway and replacement with New Bridleway;
 - c) Suitability of surfacing, desirability of the route of the New Bridleway, proximity of the New Bridleway to the railway and other issues arising in connection with (asserted) consequential effects of the New Bridleway, as well as its use by equestrians and by others;;
 - d) The length of the diversion for cyclists via the permissive route over the Footbridge (Cycling UK (OBJ/65)); and
 - e) Withdrawal of permissive footpath access over the Footbridge for users wishing to access the Existing Bridleway.

Inadequate consultation by Network Rail

- 3.2 The correspondence tables within my Proof detail the history of the correspondence with the key stakeholders, in particular OCC as the highway authority. This is evidenced at a high-level overview of consultation with OCC can be found within the NR07 consultation report:
- 5.1.4 and 5.3 of the table with the report, respectively denotes OCC are a relevant statutory consultee under the TWAO Rules 2006 and provide an overview of consultation with OCC, which began in 2019.

Removal of Existing Bridleway and replacement with New Bridleway

- 3.3 My proof confirms the closure of the Existing Bridleway is not part of Network Rail's proposal under the Order, the only element of the Existing Bridleway being stopped up is the element over the level crossing, within Network Rail's boundary.

Suitability of surfacing, desirability of the route of the New Bridleway, proximity of the New Bridleway to the railway and other issues relating to use of the New Bridleway by equestrians

- 3.4 The objections of the Bicester & Warden Hill Pony Club (OBJ/25), BHS (OBJ/60), the Byways and Bridleways Trust (OBJ/51), Tackley Parish Council (OBJ/63) and Mr Andrew Charles Peake (OBJ/70) raised concerns on these points.
- 3.5 Network Rail responded to these objections on 1st March 2024, providing evidence and information to answer these objections.

The length of the diversion for cyclists via the permissive route over the Footbridge (Cycling UK (OBJ/65))

- 3.6 My Proof discusses the length of the various routes available (the lineside route and permissive path over the station platforms and footbridge) to cyclists should the Scheme be successful and how the length of the diversion for cyclists via the permissive route over the footbridge is not disproportionate in length, especially as Railway Byelaws dictate cyclists are required to dismount on a station platform.
- 3.7 My Proof notes the Existing Bridleway route and the permissive route through the station and the New Bridleway route are similar in length, approximately 1.3km for the New Bridleway route and approximately 1.2km for the Existing Bridleway Route, optimising the footbridge diversion.

Withdrawal of permissive footpath access over the Footbridge for users wishing to access the Existing Bridleway.

- 3.8 In my Proof, I set out the reasons why Network Rail cannot legally dedicate the footpath over the station platform and footbridge and the procedure Network Rail would undertake for closing the permissive path.
- 3.9 Due to statutory incapacity, Network Rail cannot legally dedicate the footpath over the station platform, as a right of way over its land where that dedication would interfere with railway operations. My Proof explains the statutory incapacity in more detail.
- 3.10 With regards to the process for potentially closing the permissive path, my proof sets out how closing a permissive path is entirely at the discretion of the landowner and how Network Rail would only withdraw the permissive route only if that were appropriate for operational purposes, potentially on a temporary basis to accommodate engineering works. As a gesture of good faith and in the interests of safety, Network Rail would be prepared (where possible) to provide both OCC and TPC with suitable warning of any advanced closure requirements.

4. CONCLUSION

- 4.1 My proof details the correspondence, negotiations and consultation Network Rail have undertaken in relation to the Scheme, providing a timeline and background to how Network Rail have reached the lineside route of the New Bridleway as being optimal route.

Dated: 21 MAY 2024

I believe that the facts stated in this Summary are true.

A handwritten signature in black ink, appearing to read 'J. Audley', with a large, sweeping horizontal stroke underneath.

Signed:

James Audley