



Our reference TYRRF/JONECF/43283-3722

30 January 2026

BY EMAIL

Mrs Kelly Schrocksnadel
Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Dear Madam

The Network Rail (Tackley Level Crossing) Order 202[X]

We refer to the Department for Transport's (**DfT**) email dated 9 December 2025 in relation to the above.

1 Background

- 1.1 In a letter dated 21 May 2025, the Department for Transport issued a decision (**Minded to Letter**) in relation to Network Rail's application (**Application**) to the Secretary of State for Transport for the Network Rail (Tackley Level Crossing) Order (**Order**). The Minded to Letter acknowledged the need to close the Tackley Level Crossing but indicated that the Secretary of State is currently minded not to approve the Application on the basis that the route of the new bridleway identified in in **[SOC-NR-1]** was not a suitable and convenient alternative for all users, and as such, the requirements of s.5(6) of the Transport and Works Act 1992 would not, in the Secretary of State's view be satisfied by the Application.
- 1.2 The Minded To Letter indicates that the Secretary of State agrees with the Inspector that the route identified during the course of the public inquiry and known as **Route D** (as set out in **[SOC-OBJ-60]**) would satisfy these requirements and Network Rail was invited to consider amending the Scheme so as to incorporate Route D (**Amended Bridleway Route**).
- 1.3 Network Rail submitted its response to the Minded To Letter on 21 August 2025 and agreed to consider the inclusion of Route D into the Scheme (**Network Rail Response**). The Network Rail Response noted that in order to effect the incorporation of Route D into the Scheme, changes would be required to the existing Order documentation and an application for a direction for deemed planning permission would need to be made to the Secretary of State. In addition, a limited form of public engagement would need to be undertaken on the proposals.
- 1.4 Network Rail suggested that this engagement exercise would be limited to a 4 week-consultation period and would comprise the provision of details of the proposed changes and their purpose along with a plan to affected landowners, Tackley Parish Council, the British Horse Society, OCC as the local highway authority, the owners and occupiers of properties

immediately abutting Route D and any additional parties that submitted a statement of case to the inquiry (or who otherwise appeared).

- 1.5 In an email dated 24 September 2025, the DfT confirmed that the proposals set out in the Network Rail Response were acceptable with regards to how consultation should be undertaken. As such, Network Rail prepared and issued consultation materials to the individuals and entities listed at paragraph 1.4 above with responses requested by 3 December 2025 (**Consultation Period**).

2 Consultation Responses and updates to the position following Consultation Responses

Consultation Responses

- 2.1 Following the end of the Consultation Period, in emails dated 9 and 10 December 2025 the DfT confirmed receipt of seven representations from the following:
- (a) Helen and Christopher Spencer;
 - (b) Hywel Morse of Laws & Fiennes on behalf of Mr Andre Charles Peake of the Tackley Estate;
 - (c) Alexandra Machin on behalf of herself and the Bicester & Warden Hill Pony Club;
 - (d) Will Steel on behalf of the British Horse Society
 - (e) Geri Coop on behalf of the Byways and Bridleways Trust
 - (f) Oxfordshire County Council; and
 - (g) Ruth Plucknett,
- (together the **Representations**).
- 2.2 The DfT requested that Network Rail should reply and respond to the Representations and should provide a formal response to the Secretary of State setting out (i) the nature of the concerns raised, (ii) how these can be alleviated and (iii) whether they can be dealt with within the final form of Order. This letter summarises the responses made by Network Rail (**Consultation Responses**) to the Representations and sets out how the issues raised therein are to be dealt with.
- 2.3 All Consultation Responses to the Representations were issued on 9 January 2026, to avoid circulation during the Christmas and New Year holiday period.

Helen and Christopher Spencer

- 2.4 The Amended Bridleway Route will result in the bridleway passing alongside the property of Mr and Mrs Spencer. The Secretary of State will be aware that extensive consultation has been undertaken with the Tackley community for a number of years as to the options available for provision of the bridleway required from the closure of the Tackley Level Crossing. The amended bridleway Route D has been recommended by the Secretary of State as the alignment that would allow the Scheme to meet statutory and land access requirements.
- 2.5 Mr and Mrs Spencer object to the Amended Bridleway Route on the basis that it would bring all users (including horse riders) closer to their property reducing privacy and amenity. They are

particularly concerned that riders' elevated height would allow direct views into their home and garden. They request the following mitigation measures are incorporated into the Scheme:

- (a) An evergreen hedge be planted along their property boundary.
 - (b) Any fencing beside their property be rural in character rather than metal railway-style fencing.
 - (c) The bridleway surface be chosen to minimise noise from horses, cyclists, and pedestrians, especially where the route runs along their boundary.
- 2.6 In its response, Network Rail confirmed that it intends to implement a rural-appropriate stock-proof fence and the bridleway surface will be similar to that of the existing bridleway (Tackley BR2). The response also notes that Network Rail is considering how such planting may be incorporated, taking account of available space, land ownership and long-term maintenance. Network Rail therefore considered that the concerns raised by the Spencers can be mitigated through these design measures.
- 2.7 Following the issuing of 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 virtue of allowing the bridleway to be situated further away from their house. Heads of Terms in relation to this purchase have been agreed between Mr and Mrs Spencer and Mr Peake, confirming the extent of the land to be purchased and these are appended to this letter at Appendix 1.
- 2.8 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, with the effect that the route turns to the east and runs along the new property boundary at a point further to the north than originally anticipated. The Heads of Terms at Appendix 1 contains a plan of the land to be purchased and the Amended Bridleway Route will now follow this boundary.
- 2.9 Whilst this update to the Amended Bridleway Route has not been consulted on, Network Rail considers that, given that the agreement is being made between the only two affected landowners, and that the update will not impact on the users of the new bridleway, no further consultation is required.
- 2.10 Network Rail proposes to submit an updated version of the Order, Order Plans, Book of Reference and associated application for a direction for deemed planning permission to the DfT shortly following the date of this letter which incorporates this update to the Amended Bridleway Route.

Andrew Charles Peake of the Tackley Estate

- 2.11 Mr Peake's representation highlighted five issues arising from the Amended Bridleway Route and Network Rail's proposals more generally. These issues are set out below, along with Network Rail's responses to them
- a) Details on gates and fencing for the proposed new bridleway:
- 2.12 Mr Peake requires details of the proposed gates and fencing where 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. These essential details have not yet been provided.

- 2.13 The revised form of 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. It is acknowledged in Network Rail's response to Mr Peake's representation that the reference to 'B4' in the Order is incorrect and the revised Order when submitted will refer to 'B3'. This will ensure that gates are provided at the necessary points of entry onto Mr Peake's land. The nature of the gates and fencing was indicatively provided during the course of the Inquiry but the finalisation of these are the subject of a negotiated agreement between Network Rail and Mr Peake, a copy of which was provided to Mr Peake's solicitors on 8 December 2025.

b) The Application's effects on the Old Whitehill underpass

- 2.14 Mr Peake provides that Network Rail should be responsible for works to improve the Old Whitehill underpass to facilitate the works required for the Scheme.
- 2.15 At paragraph 60 of the Minded To Letter, the Secretary of State states that "the Secretary of State agrees with the Inspector that Mr Peake's demands for ... the carrying out of works to the Old Whitehill underpass do not directly relate to the Scheme and agrees that an Order for Route D could be made and would be deliverable (IR 6.7 and IR 7.2)". As such, Network Rail has not considered these requests further.

c) The future of the remaining cul de sac bridleway

- 2.16 The Application will result in the permanent closure of the Tackley Level Crossing and the stopping of the existing bridleway (379/2/10) at the point where the bridleway crosses the railway. The existing bridleway will then be maintained as a cul-de-sac which will be accessible via Tackley Station by using the new bridleway and the existing public right of way network. Access to non-railway users to and from the cul-de-sac via Tackley Station's platforms and footbridge will be on a permissive basis unless and until ticket barriers are installed at the station or Network Rail otherwise determines access to non-railway users should cease.
- 2.17 Mr Peake is concerned that if ticket barriers are installed or Network Rail ceases access to non-railway users, a redundant cul-de-sac will remain on his land and it is not reasonable for such to remain open to the public. Mr Peake therefore seeks an amendment to the Application to provide for the redesignation of the cul-de-sac as a permissive path on the granting of the Order and the closure of the cul-de-sac in the event that Network Rail's permissive access via Tackley station is withdrawn.
- 2.18 At paragraph 60 of the Minded To Letter, the Secretary of State states that "the Secretary of State agrees with the Inspector that Mr Peake's demands for the extinguishment of the whole of the existing bridleway on his land should NR revoke permissive access across the footbridge ... do not directly relate to the Scheme and agrees that an Order for Route D could be made and would be deliverable (IR 6.7 and IR 7.2)". As such, Network Rail has not considered these requests further.
- 2.19 Mr Peake also queries how the replacement of a right of way with a permitted path satisfies the test under section 5(6)(a) of the Transport and Works Act 1992.
- 2.20 As stated in the Inquiry, the permitted path across the station is not proposed as an alternative to the closure of Tackley Level Crossing, instead the new bridleway is the alternative in satisfaction of the section 5(6)(a) test. At paragraph 46 of the Minded To Letter, the Secretary of State concludes:

"The Secretary of State acknowledges Mr Peake's concerns over users of the existing bridleway trespassing on his land upon reaching the cul-de-sac termination point but agrees

with the Inspector that this risk could be mitigated through the provision of suitable signage (IR 5.121). The Secretary of State acknowledges the informal nature of the permissive access over the footbridge and that given access is not to be considered in the context of section 5(6) of the Act agrees with the Inspector that any withdrawal of the access could, therefore, only be of minimal impact.”

d) The temporary use of Tackley Estate land

- 2.21 The Application provides for the temporary use of land in the ownership of Mr Peake. Mr Peake is unclear as to the duration of the temporary use and considers that Network Rail seeks temporary possession of land unnecessarily, with no attempt at commercial agreement. Mr Peake suggests that Network Rail seeks to deliver their station upgrade scheme using rail deliveries which will negate the need for parcels 001, 003, 003a and 003b or seek to acquire the rights on a commercial basis.
- 2.22 In the Minded To Letter, the Secretary of State agrees with the Inspector that there is a compelling case in the public interest to justify conferring on Network Rail 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.
- 2.23 Network Rail 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.

e) The proposed Heads of Terms.

- 2.24 Mr Peake considers that a revised financial offer for the Alternative Bridleway Route was issued five days prior to the Consultation being launched and that this is unreasonable.
- 2.25 Network Rail 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. 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.
- 2.26 Mr Peake requests that discussions on the draft Heads of Terms continue and that engagement between Mr Peake and Helen and Christopher Spencer with regards to an amendment to the Amended Bridleway Route in proximity to their property be concluded before the Order is applied for. Mr Peake requests that acknowledgment is given as to the potential severance of his land arising as a result of the Amended Bridleway Route.
- 2.27 Network Rail 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 very best route that minimises the impact on both Mr Peake and the Spencers. Network Rail does not consider that there would be any severance of Mr Peake's land, given these discussions.
- 2.28 Please see paragraphs 2.4 – 2.9 above with regards to updates on the negotiations between Mr Peake and the Spencers since Network Rail's Consultation Response to Mr Peake's representation.

Alexandra Machin

- 2.29 Ms Machin confirms her support of the Amended Bridleway Route and no concerns are raised with Network Rail's proposals.

British Horse Society

- 2.30 The British Horse Society confirms their support of the Amended Bridleway Route and no concerns are raised with Network Rail's proposals

Byways and Bridleways Trust

- 2.31 The Byways and Bridleways Trust supports the Amended Bridleway Route subject to provision of an appropriate surface for all users where ground conditions require it to be resilient through winter without it being a sealed surface.
- 2.32 Network Rail considers that the Byways and Bridleways Trust's concerns will be adequately addressed through the design of the new bridleway, which will be approved by OCC as highways authority. 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 the new bridleway will comply with the guidance of OCC with regards to its construction.

Oxfordshire County Council (OCC)

- 2.33 OCC supports the Amended Bridleway Route and offers observations in relation to the documentation submitted as part of the consultation process. Network Rail has considered these observations and is comfortable that they can be dealt with via OCC's approval of the design of the new bridleway or have already been considered under the Order.
- 2.34 OCC notes that between points B2 and B3 on the revised Order Plans, the existing footpath (Tackley BR2) lies between residential garden boundaries and a concrete post-and-wire fence with an associated hedgeline and has asked whether the new bridleway could instead be routed south of the hedgeline. Network Rail confirms it has discussed the hedgeline with the Tackley Estate, which prefers that the hedge be removed so the combined space with the current footpath corridor can provide the required width for the new bridleway. This option minimises land take from the Estate, allows a compliant and accessible route, and has been supported by several neighbouring residents.
- 2.35 Network Rail has confirmed that it agrees with OCC's interpretation of the amendments of Article 8, that boundary structures (such as fences and gates) would be maintained by the adjoining landowner.
- 2.36 OCC also provides comments with regards to the configuration of fencing and access structures which Network Rail has agreed to and will ensure that any structures installed or recorded as limitations in the Order are discussed and agreed with OCC in advance.

Ruth Plucknett

- 2.37 Mrs Plucknett is not opposed to the proposed Route D raises concerns about any "urbanising" changes—such as lighting, resurfacing, or enclosing the path which could harm the rural character of the area, create safety issues when mixing users like horses and dogs, encourage motorbike use, and negatively impact local wildlife.
- 2.38 Network Rail considers that Mrs Plucknett's concerns will be adequately addressed through the design of the new bridleway, which will be approved by the highways authority. In its response, Network Rail confirmed that it is following Oxfordshire County Council's guidance to ensure the bridleway is appropriately designed for a rural setting and can safely accommodate shared use by walkers, riders, and other non-motorised users. The surface will be similar to that of the existing bridleway (Tackley BR2), and there are no proposals to introduce lighting or urban-style

surfacing. Gating will also be installed to allow public access to additional footpaths while enabling the farmer to reach their land. Network Rail is also considering the installation of an appropriately located bollard to restrict access by motor vehicles.

3 Conclusion

- 3.1 Network Rail considers that the concerns raised through the Representations can be addressed through the final form of Order and associated Application documents (to the extent that they have not been already).
- 3.2 Network Rail shall shortly submit an updated version of the Order documentation and associated application for a direction for deemed planning permission incorporating the updates to the Amended Bridleway Route arising from the negotiations between Mr and Mrs Spencer and Mr Peake.

Please don't hesitate to contact Francis Tyrrell or Charlotte Jones if you require any clarification on any points. We look forward to hearing from you.

Yours faithfully

Addleshaw Goddard LLP

Addleshaw Goddard LLP

Direct line +44 20 7544 5217

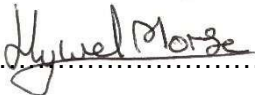
Email francis.tyrrell@addleshawgoddard.com

Appendix 1

Heads of Terms between (1) Mr and Mrs Spencer and (2) Mr Peake

MEMORANDUM FOR SALE AND PURCHASE
SUBJECT TO CONTRACT
DATE: 27th January 2026

1. Property	0.32 acres of Land Lying to the north and west of Old Whitehill, Tackley, Kidlington OX5 3AB Title No. ON340500 shaded and outlined red on the attached plan
2. Vendor	Andrew Charles Peake of Court Farm House, Medcroft Road, Tackley, Oxford OX5 3AQ.
3. Vendor's Agent	Hywel Morse Laws & Fiennes Warren Lodge Broughton Banbury Oxfordshire OX15 5EF 07817 360 666 hywel@lflfp.co.uk
4. Vendor's Solicitor	Kylie Cooper SE-Solicitors 52-54 South Bar Street Banbury OX16 9AB 01869 222327 KCooper@se-solicitors.co.uk
5. Purchaser	Helen Elizabeth Spencer of Field Cottage, Old Whitehill, Tackley, Kidlington OX5 3AB Christopher Charles Alan Spencer of Field Cottage, Old Whitehill, Tackley, OX5 3AB
6. Purchaser's Agent	TBC
7. Purchaser's Solicitor	Nia Morgan Hugh Williams Son and Co 81 Rhosmaen Street Llandeilo Carmarthenshire SA19 6HD llandeilo@hughwilliamslaw.co.uk
8. Price	
9. Purchase Date	ASAP
10. Legal Costs	Purchaser to pay Vendors reasonable costs.
11. Agents Fees	Each party to pay their own.
12. Use	The land's current use is agricultural and any change of use is to be the responsibility of the purchaser.
13. Restrictive Covenant	A restriction on any development of the land including permitted development without the express written permission of the Vendor.

Signed  Date 27/01/2026.....

Hywel Morse on behalf of Andrew Charles Peake

Signed 

Date 23/01/2026

Helen Elizabeth Spencer

Signed 

Date 23/01/2026

Christopher Charles Alan Spencer

0.32 acres of Land Lying to the north and west of Old Whitehill, Tackley, Kidlington OX5 3AB

