

OBJ/053/2W

**PROPOSED CHILTERN RAILWAYS
(BICESTER TO OXFORD IMPROVEMENTS) ORDER**

**TRANSPORT AND WORKS ACT 1992
THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

WRITTEN REPRESENTATIONS

On behalf of:

BIRCH SITES LIMITED

relating to Launton Road, Bicester

**Chiltern Railways (c/o Eversheds LLP) ref: PETOM/119788-010009)
TWA Orders Unit ref: TWA/10/APP/02/OBJ/53
Our ref: SJM/CJT/BGP002.1473**

Dated: 1 October 2010

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WRITTEN REPRESENTATIONS

1. These written representations are submitted on behalf of Birch Sites Limited ("BSL") by BSL's solicitors, Dundas & Wilson LLP.
2. BSL is the registered proprietor at HM Land Registry under title number ON224534 in respect of the freehold plot ("the BSL Land") over which temporary rights are being sought by virtue of the proposed Chiltern Railways (Bicester to Oxford Improvements) Order ("the Order").
3. BSL set out its objection to the Order in the Statement of Case dated 6 August 2010 and letter of objection dated 12 February 2010.
4. BSL has been keen throughout to accommodate the requirements of the Chiltern Railway Company Limited ("CRCL") whilst retaining the ability to let, market for sale or bring forward development proposals relating to the retained land outlined green ("the Retained Land") on the attached plan (Appendix 1).
5. In order to achieve a mutually agreeable solution a meeting with Paul Clarke of Ardent Property Consultants representing CRCL was held at Dundas & Wilson LLP's offices on 14 December 2009. A site visit was considered valuable by both CRCL and BSL to explore the option of an alternative public access across the BSL Land.
6. A site visit was attended on 12 April 2010 by a representative of BSL, BSL's legal representative from Dundas & Wilson and 2 members of the CRCL professional team, one of which was Paul Clarke of Ardent Property Consultants. At the site visit the alternative access solution shown shaded yellow on the plan attached at Appendix 1 was explored with a view to agreeing the heads of terms for an agreement to enable BSL to avoid maintaining an objection and appearing at an inquiry.
7. Over the following months the heads of terms of an agreement were negotiated and drafting of the agreement commenced. The agreement is based on a relocated accessway over the land shaded yellow on the plan at Appendix 1. The majority of provisions of the alternative accessway have been agreed between CRCL and BSL, however, not all details have been agreed and the agreement has still not been completed to allow BSL to withdraw its objection.

8. BSL consider that:

- confirmation of the Order would lead to interference with the only vehicular access to the BSL land and the proposed location of the temporary rights shown shaded yellow on the plan at Appendix 1 is preferable
- confirmation of the Order will lead to access being provided to the general public over the BSL land without restriction presenting an unacceptable risk to BSL which can be mitigated if the access is relocated and appropriate fencing measures are put in place
- confirmation of the Order will lead to delay bringing forward development and/or attracting tenants to occupy the BSL Land which can be avoided if the access is relocated
- confirmation of the Order will lead to an unnecessary temporary sterilization of the use of the land over which the rights are required and land and buildings either side unless the access is relocated

9. Therefore, it is considered that the alternative accessway shown yellow on the plan at Appendix 1 is the most appropriate solution and would meet BSL's objections whilst enabling CRCL to progress with the scheme.



Dundas & Wilson LLP

Date: 1 October 2010

Appendix 1



Chiltern Railways



TITLE:

Launton Road
Birch Sites

KEY:

-  Remaining BSL Land
-  Access Land

Chiltern Railways



Date: 22/09/10

Ref: J:\08-09\CGD08_33 - Chiltern Railway

Plan No: CH43 - Launton Rd rev1

Scale: 1:1250 at A3



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